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Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Eternal Spirit, the giver of every good and perfect gift, we are sinful people seeking salvation. We are lost people seeking direction. We are doubting people seeking faith. Teach us, O God, the way of salvation. Show us the path to meaningful life. Reveal to us the steps of faith.

Today use the Members of this body as instruments of Your glory. Quicken their hearts and purify their minds. Broaden their concerns and strengthen their commitments. Show them duties left undone. Remind them of promises unkept and reveal to them tasks unattended. Lord, lead them to a deeper experience with You.

And, Lord, please comfort the loved ones of Kayla Jean Mueller.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to H.R. 240.

The PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 5, H.R. 240, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2015, and for other purposes.

CLAY HUNT SAV ACT

Mr. MCCONNELL. Mr. President, last night I joined Members of both parties to recognize the latest bipartisan achievement for the American people.

The Clay Hunt SAV Act, which will provide important support to our Nation's veterans, passed the House and Senate with overwhelming bipartisan support. It is on its way to President Obama's desk, and I am confident he will sign it.

KEYSTONE BILL

Mr. President, today the House of Representatives is expected to pass yet another bipartisan bill for him to sign, the Keystone jobs bill. It is just common sense. That is why this bipartisan legislation already passed the Senate with support from both parties. That is why labor unions support it, and that is why the American people support it. Americans know construction of this infrastructure project would pump billions into the economy and support thousands of good jobs. They also know America could achieve this with, as the President's own State Department has indicated, minimal environmental impact.

Americans are urging President Obama not to interfere in the review process for political reasons any longer. Americans are urging the President to finally heed scientific conclusions his own State Department already reached. Let American workers build this infrastructure project. Sign this jobs and infrastructure bill.

Powerful special interests may be demanding that the President veto Keystone jobs, but we hope he will not. If the President does ultimately bow to these special interest demands, that is a discussion we can have then. But either way Americans should know this: The new Congress will not stop pursuing good ideas.

This new majority is committed to refocusing Washington on the concerns of the middle class, and the passage of bipartisan bills such as Keystone, Clay Hunt, and Keystone jobs shows we are doing just that.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. President, on a different matter, Democrats are blocking Homeland Security funding in order to defend Executive overreach the President has said himself, on many different occasions, he didn't have. As I indicated yesterday, this is the reason the Senate can't move forward, so it needs to come to an end. This is the simplest and most obvious way it can.

Many Democrats previously indicated opposition to the kinds of overreach described by President Obama himself as unwise and unfair. So all they have to do is back up those words with some action. If Democrats claim to be against overreach and claim to be for funding the critical activities of the Department of Homeland Security, then there is no reason for them to continue their party's filibuster.

So vote with us to allow the Senate to actually debate Homeland Security funding instead. We have already offered a fair and open debate that would allow for amendments from both parties. If the bill needs to be amended, that is when it could be, when we actually get on the bill and offer amendments.

This is about Democrats being confronted with a choice: filibuster funding for Homeland Security to protect overreach of President Obama himself, referred to as ''ignoring the law'' or allow the Senate to debate, vote, and amend the very funding they claim to want.

AUMF FUNDING

Mr. President, one final and critically important matter. This morning we received the President's proposed authorization for the use of military

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

force against ISIL and its affiliates. It was clear from the outset that a successful military campaign to defeat ISIL would require a multiyear effort, so it is certainly in order for Congress to debate an authorization such as this.

Because Congress must meet its responsibility to decide whether our military should use force, the Senate will review the President's request thoughtfully. Individual Senators and committees of jurisdiction will review it carefully, and they will listen carefully to the advice of military commanders as they consider the best strategy for defeating ISIL. Because this decision demands such serious consideration, I want our Members to have an early opportunity to discuss the President's request. That is why later today our conference, the Republican conference, will meet for a discussion led by Senators CORKER and MCCAIN.

I yield the floor.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDING OFFICER (Mr. PAUL). The assistant Democratic leader is recognized.

NECESSARY ABSENCE

Mr. DURBIN. Mr. President, I am standing in today for the Democratic leader, Senator REID, who is absent for a medical procedure. He was with us yesterday and will be returning after the break. We wish him a speedy recovery. He has gone through quite a bit after the accident that he endured on January 1, and we wish him the very best and quick recovery.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. President, we are going to have a chance to do something this week that is important, to fund the Department of Homeland Security. This was a department created after 9/11 for obvious purposes. We never want America to be vulnerable again to that type of extremist terrorist attack and all the death and destruction it brought with it.

So on a bipartisan basis we created this Department. Twenty-two different agencies were merged into one so we would have a common effort to keep America safe and secure, and the Department of Homeland Security has done a great job. Secretary Jeh Johnson, who is currently the leader of that agency, is an extraordinarily gifted, talented man, and he is doing his best to keep America safe.

We should do everything we can to keep it safe, too, and that means the Senate and the House of Representatives need to do their job when it comes to the Department of Homeland Security.

As everyone knows, when we talked about funding the agencies of government this past December after the election, there was only one agency, one department, which the Republicans singled out and said we will not properly fund this one department.

What was it? The Department of Homeland Security. I don't understand this.

If the Department of Homeland Security has the singular responsibility of keeping America safe, why would we risk the security and safety of America by not properly funding the Department? But the House Republicans insisted on that position and Senate Republicans backed them up.

Why would they jeopardize America's security over the funding of DHS? So the Republicans could engage in a political debate over President Obama's immigration policy. It is an important debate. It is a worthy debate. There is no reason we shouldn't engage in this debate. But why would the Republicans insist that this debate be at the expense of funding the Department of Homeland Security? It doesn't make any sense. In fact, we are running a great risk by what we call continuing resolutions instead of regular budgetary appropriations for the Department of Homeland Security.

Secretary Johnson has talked to us about what is going to happen if we don't properly fund the Department of Homeland Security. There are grants that are given through DHS to fire departments and police departments across America to train their personnel, to upgrade their equipment, and to be ready, God forbid, for the next challenge that faces America.

Yet the Republicans insist on stopping that grantmaking to the local police departments in your community and mine—and to the fire departments—so they can engage in a debate with the President over immigration.

What is it about the President's immigration policy that infuriates the Republicans? Could it be that the President has said he wants to prioritize deportations in America so that we, in fact, are going to deport those who are the most dangerous in the United States? I hope that is not it because the President's position is something most Americans would endorse, heartily endorse.

Could it be they object to the President's proposal that those who are here undocumented—parents of American citizens and parents of legal residents—that those who are here undocumented step forward, pay their taxes, submit themselves to a criminal background check in order to have a 2-year temporary work permit? I doubt many Americans would disagree with that. It would mean these tax-paying workers would be checked, and if there is any problem, deported.

The Republicans want to stop that. They disagree with the President's Executive order. I think we ought to have that debate but not at the expense of funding the Department of Homeland Security, but that is their position.

So in 16 days the Department of Homeland Security runs out of money. The Department entrusted with keeping America safe from terrorism runs out of money.

What are we going to do about it? There is something very easy we can turn to. It is on the Senate Calendar of Business. It is on every desk on the floor or available to every Senator: S. 272, a bill introduced by Senators SHAHEEN and MIKULSKI to make the appropriations for the Department of Homeland Security to give them the budget they need to protect America. It takes out all of the immigration riders insisted on by the House and takes us down to the basics.

So are we going to fund the Department of Homeland Security?

Well, the Republican majority leader has insisted he will stand in the way of funding DHS unless we can get into this political debate about immigration. I think that is shortsighted.

Senator REID came to the floor a few days ago and said: We are prepared to engage in this debate on immigration—but not at the expense of the Department of Homeland Security. We have had three votes on the floor of the Senate and this effort by the Republicans has fallen woefully short in every single vote to receive the 60 votes necessary.

So why does the majority leader insist on sticking with this approach? It is hard to explain. It could be that within his own caucus—and maybe he personally thinks that the efforts of the President to protect certain people from deportation are just plain wrong.

One of those efforts is one I heartily support myself. It is called DACA. DACA was an Executive order issued by the President in 2012. In that Executive order the President said those who are eligible under the DREAM Act would be given protection from deportation.

The DREAM Act was a piece of legislation I introduced 14 years ago which said: If someone was brought to America as an infant, a toddler, a small child, and they stayed in America, had no serious criminal issue, finished high school, and they were prepared to enlist in the military or go on to college, they would get a path to legalization. That is what the DREAM Act said. It has never become law.

But these young people, we estimate 2 million nationwide, are left in limbo. They came to America, were brought to America at an early age, grew up in America, went to American schools, pledged allegiance to our American flag, sang our national anthem, and believed they were Americans. Then they were told, sorry, but you don't have the necessary documentation. You are not here legally.

So they are left in limbo. They have nowhere to turn. Under the laws of the United States they are subject to deportation. President Obama said on a 2-year basis we will protect these young people from deportation. They will have a background check, they will pay their fees, and on a 2-year basis they can live in America without fear of deportation and work in America or go to school in America. Those are the DREAMers. That is the DACA provision which the Republicans are opposing in the House of Representatives. It

is the provision which the majority leader insists we vote on before we can fund the Department of Homeland Security.

I think it is instructive to introduce these DREAMers to Members of the Senate who may not know who they are, and I want to introduce two of them today: Nelson and John Magdaleno. Nelson is on the left in the suit, and John is on the right on his graduation today. They were brought to the United States from Venezuela when Nelson was 11 and John 9 years old. They were both honor students at Lakeside High School in Atlanta, GA. In high school John was the fourth highest officer and commander of the Air Honor Society in his Junior ROTC.

Nelson and John both went to the Georgia Institute of Technology, one of the most selective engineering schools in America. In 2012 Nelson graduated from Georgia Tech with honors and a major in computer engineering.

President Obama established the DACA Program shortly after Nelson graduated from Georgia Tech. Thanks to DACA, Nelson has been working since 2012 as a computer engineer for a Fortune 500 semiconductor corporation.

John also received DACA in 2012, while he was still a student at Georgia Tech. He then worked for 2 years as a researcher in a biomedical engineering lab at Georgia Tech, researching glaucoma, one of the leading causes of blindness.

In 2014 John graduated from Georgia Tech with a major in chemical and biomedical engineering and with the highest honors. He is now working as a process engineer with a Fortune 500 company.

Nelson Magdaleno wrote me a letter, and here is what he said:

To me DACA means an opportunity to be able to live my dreams and contribute to society in ways that I could not have imagined. DACA means one of my life goals, owning my own company, could be a possibility in the future. DACA means a chance. DACA means the American Dream.

His brother John wrote, and here is what he said:

I consider an American to be someone who loves, and wholeheartedly dedicates themselves to the development of this country. From age nine, I have made the United States my home, and it has made me the man I am today. I proudly call myself an American.

When you hear the stories of these two young men, who attended college and finished without any government assistance or loans, who worked hard to get their degrees in challenging fields such as computer engineering, who went to one of the best schools in America, who now have talents and skills that create opportunities not only for discovery but for innovation and entrepreneurship, I wonder: What are the Republicans thinking when they say these two individuals don't belong in America, that they need to be deported, that they need to be sent back to Venezuela, a country neither of them really knows. Is that the answer to America's future? Is it to export the most talented minds, the hardest working individuals, and that the amazing achievements they have made in their lives are to be ignored? I don't think so.

I think Americans by and large believe in fairness. Fairness says we will not hold the children of the parents who were responsible for wrongdoing responsible themselves. If you are pulled over for speeding, you may get a ticket. But it would be fundamentally unfair to give one to the child sitting in a car seat in the car. They weren't driving. These kids weren't driving either. Their parents came to America without any permission from the children. But they set up a life here and they made a good life here. Should we now penalize these children because their parents came to America?

That doesn't make sense. Frankly, it doesn't represent what this country is all about. We are a nation of immigrants, and the immigrants who come here make a difference. They bring not only a determination for a better life, but they are risk takers. They leave it all behind from wherever they were. They come to America and risk it all in the hopes they will have a better life and, even more importantly, that their children will. That is who we are. That is what America is all about and has been from the beginning of time.

Why would we turn our backs on this heritage? Why would we ignore the opportunity these young people bring? That is the Republican position, at least the one stated by the House of Representatives. It has been summarily rejected now three different times on the floor of the Senate. Yet the majority leader comes to us today and says he may do it again.

This is not fair to the Department of Homeland Security, it is not fair to John and Nelson, and it is not fair to this country. Let us do the right thing. Let's fund the Department of Homeland Security before we leave for any recess. Let's get it done so that Department can protect America.

The majority leader talked about what we have achieved here—the Keystone Canadian pipeline act, which was the highest priority of the Senate Republicans. TransCanada, a Canadian corporation, would be able to transport oil from Canada to a refinery in Texas and then export it from the United States. There are benefits of construction, of course, and 35 permanent pipeline jobs, of course. But in the end the refined oil coming in from Canada will not benefit the American economy. We had an amendment on the floor that would address that very issue, and every single Republican said we will not vote to keep that refined oil product in America.

We also suggested that if we are going to build a pipeline in America, we use American steel. Let's put American workers to work at the steel mills to make the steel that is necessary to build the pipeline, and that too was rejected by the Republicans. They said no, insisting on American steel won't be part of this so-called pipeline jobs projects.

Well, I think there are better ways to get the economy moving forward and to create more jobs. One of them is infrastructure, and I am sure we will debate it at a later time.

The other thing mentioned by the majority leader was the Clay Hunt bill, which was a bill that was needed and important, related to veteran suicide, and it passed overwhelmingly, to no one's surprise.

Why was this bill held up in the previous Congress? There was an objection to bringing the bill to the floor by a Republican Senator—by a Republican Senator. There was no obstruction in passing this bill on the Democratic side, and I am glad it passed. I know the President is about to sign it.

The other thing I want to mention is that it is unfortunate we are leaving this week for the 1-week Presidents Day recess. We are leaving at a time when the nomination of Loretta Lynch to be Attorney General of the United States is still pending. She has been pending, I understand, longer than any nominee for Attorney General in recent history.

I went through the hearing with her and there was no opposition—none. They asked the witnesses who were brought in if any one of them objected to her being Attorney General, and not one would raise their hand. There were no objections. There is no objection to this woman serving our Nation. She has been the U.S. Attorney for the Eastern District of New York. She has done an amazing job. Why are they holding her up? What is the purpose in this? We should approve her nomination before we leave this week.

PULLMAN NATIONAL MONUMENT

Mr. DURBIN. Mr. President, a Chicago neighborhood that has played a significant part in our country's African-American and labor history is being recognized next week in an exciting way. Next Thursday President Obama is going to declare the Pullman Historic District on the South Side of Chicago a national monument. This is the first time a unit of the National Park Service would be established in Chicago.

This designation is the result of a collaborative effort by the businesses, residents, and organizations of the Pullman area in Chicago to restore and preserve this unique community. The people who are part of the Pullman legacy helped shape America as we know it.

The Pullman neighborhood includes almost 90 percent of the original buildings the railcar magnate George Pullman built a century ago for his factory town to build railroad cars. It was the birthplace of the Nation's first black labor union, the Brotherhood of Sleeping Car Porters.

Pullman workers fought for fair labor conditions in the late 19th century, and Pullman porters helped advance America's civil rights movement.

During the economic depression of the 1890s, the Pullman community was the catalyst for the first industry-wide strike in the United States, which helped to lead to the creation of Labor Day as a national holiday. The Pullman porters are credited with creating the African-American middle class.

I have supported this designation for some time and have introduced legislation with my colleague Senator KIRK and with Congressman ROBIN KELLY to make the site a national historical monument.

Alderman Anthony Beale of Chicago's 9th Ward has worked hard to garner support for the recognition of Pullman. Many others in Chicago helped advance the proposal: Eleanor Gorski, with the Chicago Department of Planning and Development; David Doig, president of Chicago Neighborhood Initiatives, Lynn McClure and LeAaron Foley with the National Parks Conservation Association, and many others who drew attention to the historical significance of this neighborhood.

The Pullman national monument will be an important addition to the current National Park System. It highlights stories from communities that are rarely represented in other national parks. The park's urban location on Chicago's South Side makes it easily accessible to millions of people by public transportation—again setting Pullman apart from other national parks.

The National Park Service is associated with national wonders such as geysers and forests. Urban national parks are few and far between. With this designation, the Pullman neighborhood is joining the ranks of the National Mall and the Statue of Liberty as national parks accessible in urban areas. The monument will also provide an opportunity for tourism and job creation—much needed in this community.

It is only right that Pullman be preserved and honored as a part of our National Park System. I commend the President for this decision to showcase the prominence and legacy of Pullman in our Nation's history.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PAUL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COTTON). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and with the majority controlling the first half.

The Senator from Alaska.

EXTENSION OF MORNING BUSINESS

Mr. SULLIVAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SULLIVAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SULLIVAN). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SECURITY

Mr. CORNYN. Mr. President, I wish to take a few minutes today to talk about my growing concern over President Obama's policies regarding several major national security issues.

Of course, the President has just today sent over to Congress an authorization for use of military force against ISIL, the Islamic State, but over the past 6 years, as the quantity and frequency of international crises have grown, there have been some very clear trends that have emerged from this administration's foreign policy.

First, we have seen what might be dubbed the red-line syndrome in which the President uses stern language and strong rhetoric toward a hostile foreign regime or terrorist group and then backs it up with either total inaction or ineffectual action, thus inviting not respect, not fear, but ridicule.

The most infamous example, of course, is when the President remarked that the use of chemical weapons by Bashar al Assad of Syria would constitute a red line and then, after Assad had crossed that red line and used chemical weapons on his own people, the President did essentially nothing in response, thus damaging the United States' credibility on the world stage in the eyes of both our friends and our foes.

And I don't have to remind the Senate what has happened since that time. More than 200,000 Syrians have lost their lives in this terrible civil war, and millions of Syrians have become displaced, either internally within the country or outside of the country in refugee camps, such as those I visited in Turkey and others in Lebanon and Jordan, just to name a few places.

So there are consequences associated with tough talk and no action.

The second pattern I have observed is what might be what my dad called, when I was growing up, paralysis by analysis. In other words, this is what some have called just plain dithering.

I think what the President seems to regard as a deliberative process and as a virtue others call dithering or paralysis by analysis. We can think of numerous examples, starting with the snail-like pace of the President's decision process early in his administration with regard to whether to surge U.S. forces in Afghanistan and, if so, what long-term role we should play there.

Again, in today's Washington Post, when I got up and was getting my first cup of coffee, I was reading that now apparently the administration is starting to reassess again their commitment to Afghanistan.

But the list of the President's paralysis by analysis is lengthy. The situation in Ukraine is another painful example. In Ukraine, the President has stood idly by and watched Russian President Vladimir Putin carry out a de facto invasion of Ukraine, starting with Crimea, and continuing today in eastern Ukraine.

From ''mysterious little green men'' to columns of full-up Russian tanks, the hand of Putin in the Ukraine has been unmistakable. It has been the most blatant land grab by a force that Europe has seen in quite some time. Yet the best President Obama has been able to do is more hollow rhetoric.

Now there have been modest economic assistance and nonlethal military resources to Ukraine's Government, and there have been some sanctions, but they apparently have not worked to dissuade Putin.

The Senate might recall what I recall when the President of Ukraine came to speak to a joint session of Congress just a few months ago when he asked for more aid, lethal aid to fight and defend his country. But he did say: Thank you for the blankets. Obviously you can't win a war with blankets.

By the way, the President's policies toward Russia have been an unabated disaster, dating all the way back to his 2009 reset of relations with Russia, and Vladimir Putin has taken full advantage of the opening that he sees and the lack of resoluteness on the part of the U.S. Government.

We have little to show for this so-called reset except realities such as this: the aforementioned Russian annexation of Ukraine, a Russian violation with impunity of President Reagan's landmark intermediate-range nuclear arms treaty, which now poses a direct threat to the security of our NATO allies in Europe.

We have also seen a steady flow of Russian weapons and other support to the blood-thirsty butcher of Syria, Bashar al Assad, who, as I mentioned earlier, has slaughtered more than 200,000 of his own country men and women.

The President's paralysis by analysis has also infected his incoherent approach in dealing with the terrorist army of ISIL, the so-called Islamic State. In 2011, after he pulled negotiations with the Iraqis on a status-of-forces agreement, the Obama administration proceeded with a misguided plan to pull the plug on the American presence in that country, thus squandering the blood and treasure that Americans invested in trying to liberate the Iraqis and provide them with a better future.

While it is true the Iraqis had not agreed to the U.S. conditions to an enduring American presence, including legal immunity for our troops, the administration simply gave up and failed to expend the political capital necessary to secure a status-of-forces agreement and to preserve the security gains in Iraq that, as I have said, had been paid for by American blood and treasure.

The resulting security vacuum, coupled with an incompetent and corrupt Prime Minister, set the conditions for ISIL to make alarming gains in territory and power in Iraq last year.

As chaos took hold in Syria, ISIL and other terrorist groups were flourishing. We know that in 2012 many of the President's most senior National Security Advisers—including then-CIA Director David Petraeus, then-Secretary of State Hillary Clinton, then-Chairman of the Joint Chiefs of Staff Martin Dempsey, and then-Secretary of Defense Leon Panetta—all of them recommended at that time that the President initiate a program to arm vetted moderate Syrian rebels.

President Obama refused, publicly remarking just 1 year ago that ISIL, the Islamic State in the Levant, was the JV team of terrorist groups. Today, of course, the irony is the President has now sent us an authorization for the use of military force to fight this JV team, as he called it 1 year ago.

Then last summer, when the challenge had grown many times more complex and more difficult, the President dusted off the idea and moved ahead with it.

This is not exactly a picture of decisive leadership, nor is it designed to instill respect—indeed, fear—in our enemies nor confidence in our allies.

Today, with ISIL growing in strength in our region, our Commander in Chief cannot even bring himself to call the evil they represent by their rightful name. He refuses to acknowledge ISIL is a radical Islamist group, even after these jihadists have beheaded numerous American citizens, other Western captives, and burned alive a pilot from one of our closest allies, Jordan.

And then, of course, there is the most recent tragic news about Kayla Mueller, the young humanitarian aid worker who tragically lost her life in the hands of ISIL terrorists, after being held captive in Syria since 2013. Kayla, from Phoenix, AZ, had been assisting the group Doctors Without Borders.

In 2011, in a video she posted on YouTube, remarking about the slaughter by Bashar al Assad of his own citizens in Syria, and the rampage of ISIL, she said that ''silence is participation in this crime.''

Well, the President chose to use his recent speech at the National Prayer Breakfast that I attended, along with my wife and friends from Dallas, to paint a picture of moral equivalence between the barbaric entity known as ISIL and Christian crusaders from centuries ago. I have to say I am not the only one, apparently, who was confused by this equivalency or this comparison the President used during his remarks that morning.

This week, as Congress has now received the President's draft authorization for use of military force against ISIL, most of us still lack a clear understanding of the strategy the President seeks to employ in order to degrade and destroy this threat.

Even though the military campaign began last August, I know the Presiding Officer has served with distinction in the U.S. Marine Corps—and one of the things I hope the President will answer is how he hopes to defeat ISIL with just airstrikes. Indeed, as I understand from the military experts, you can't hope to win a conflict like this by blowing up things with airstrikes. You actually have to hold the territory so the enemy doesn't reoccupy it once you have moved on somewhere else.

The strategy we have heard so much about clearing, holding, and building, which seems to be an essential strategy when it comes to winning a conflict such as this, is nowhere to be seen in the President's strategy to have airstrike after airstrike after airstrike.

So I hope the President will enlighten us on what strategy he seeks to employ in order to degrade and destroy ISIL. If not, I trust that Members of the Senate on both sides of the aisle will offer their ideas about the kind of strategy that could have a reasonable chance of success.

I personally am reserving judgment on this authorization for use of military force until I learn more about the President's strategy and hear more about what sort of consensus we can have in the Senate about a strategy that has a reasonable chance of success.

I take very seriously—as I know every single Member of this Senate does—the granting of authority to use military force, putting our men and women in uniform in harm's way to protect not only us but our national security interests around the world. So this is one of the most serious and most important sorts of debates we can have as Members of the Senate. But I worry about the flawed policies I have identified and that these are really just the tip of the iceberg.

In future remarks, I wish to come back and address a national security threat that I think is perhaps the most urgent, and that is of Iran's relentless quest for nuclear weapons, as well as the impact on our closest ally in the Middle East, the State of Israel.

Recently one of America's finest generals and former Commander of the United States Central Command, Gen. James Mattis, testified before the Senate Armed Services Committee that the United States needs ''to come out now from its reactive crouch and to take a firm strategic stance in defense of our values.''

I couldn't agree more. The world is safer and more stable when America leads, leads from the front, not from the rear, and when we say what we mean and we mean what we say, and we back it up with action.

If the President can't do that, then over the last 2 years of his administration it will be incumbent upon Republicans and Democrats in Congress to lead the way in the absence of Presidential leadership and to do what we can do within our authority to prevent further erosion of American credibility on the world stage.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

AFFORDABLE CARE ACT

Mr. BARRASSO. Mr. President, last Tuesday President Obama met with 10 people at the White House. These are people who had written him letters about the health care law. The White House said it designed this little publicity stunt to remind people to sign up for insurance on healthcare.gov by the deadline date of Sunday, February 15.

At his meeting the other day the President said that the people there were ''a pretty good representative sample of people whose lives have been impacted,'' as he said, ''in powerful ways.''

I will tell you, if President Obama really wanted a representative sample, he would have included some of the people his law has affected in alarming and expensive ways. What does the President have to say to those people? Why didn't he invite any of them to the White House for his photo-op?

Here is what the New York Times wrote on Sunday, February 8. This is the Sunday Review, New York Times. The headline is ''Insured, but Not Covered: New policies have many Americans scrambling.'' Why isn't the President willing to talk to those people

who are scrambling all across the country who may have insurance but are not covered?

The story starts off by telling the story of one woman in New York City. Her name is Karen Pineman. She lost her existing health insurance policy because it didn't meet all the mandates President Obama said a health insurance policy had to include. It might have worked very well for her, but it didn't work well enough for President Obama, so she lost her coverage.

The article says that ''she gamely set about shopping for a new policy through the public marketplace.'' After all, she had supported President Obama and she had supported the health care law, as they say, as a matter of principle.

The article goes on:

Ms. Pineman, who is self-employed, accepted that she'd have to pay higher premiums for a plan with a narrower provider network and no out-of-network coverage.

So here she is—supported the law but then lost her insurance and had to buy other insurance with a narrower provider network and higher premiums. She accepted that she would have to pay out of pocket to see her primary care physician because her primary care physician didn't participate and wasn't part of that narrow network. She even accepted, the New York Times reports, having copays of nearly $1,800 to have a cast put on her ankle in an emergency room after she broke her ankle playing tennis.

The article goes on:

But her frustration bubbled over when she tried to arrange a follow-up visit with an [orthopedic surgeon] in her network.

She had to buy the insurance under President Obama's law because she lost her own insurance even though the President had promised her ''if you like your insurance, you can keep it.''

The article goes on:

The nearest doctor available who treated ankle problems was in Stamford, Conn.

She is in New York City. She lives in New York. The closest doctor who was in her network was in Connecticut. She has had it. She said:

It was ridiculous—didn't they notice it was in another state?

What does President Obama have to say to this woman in New York? I see she wasn't included in the photo-op they had at the White House with the 10 people who wrote letters to the President. What does he think about the powerful negative ways his health care law is affecting her life? After all, the New York Times thought it was enough that they would devote the front page of the Sunday Review section this past week to ''Insured, but Not Covered: New policies have many Americans scrambling.''

The article sums it up this way:

The Affordable Care Act has ushered in an era of complex new health insurance products featuring legions of out-of-pocket coinsurance fees, high deductibles and narrow provider networks.

All of ObamaCare's mandates force insurance companies to use things like these deductibles and narrow networks to keep premiums from going up even faster. Remember, the President said premiums would go down by $2,500 per family. They have actually gone up, not down, and they have done all these things so they wouldn't go up even faster.

The New York Times article says that under ObamaCare these insurance plans come with ''constant changes in policy guidelines, annual shifts in what's covered and what's not, monthly shifts in which doctors are in and out of network,'' and surprise bills for services people thought would be covered. Is the President proud of that? He stood up and said the Democrats should forcefully defend and be proud of the law. I don't see one Democrat on this floor of the Senate who is standing here to forcefully defend and be proud of this law.

The article goes on to say that for many people it is all so confusing and so expensive ''that they just avoid seeing doctors.'' What does President Obama have to say to people who are so confused by their insurance now that the easiest path is to just not go for health care?

According to a recent poll, 46 percent of Americans said that paying for basic medical care is a hardship for their family. Forty-six percent say it is a hardship for their family. Where was it a year ago? Well, it is actually up by 10 percent.

The President said that things would get better, that people would like the health care law, and that Democrats should forcefully defend and be proud of it, but 10 percent more people this year than last year say that it is harder to pay for basic medical care, that it is a hardship for their family. What does he say to these people? What does the President of the United States say to these people who said his Affordable Care Act is making their life more of a hardship?

This is an extensive article, ''Insured, but Not Covered,'' in the Sunday issue of this week's New York Times.

There is another example from this article—Alexis Gersten, who lives in a town called East Quogue. She bought ObamaCare health insurance coverage for her family. Then she found out that they did have insurance, but they weren't covered. When her son needed an ear, nose, and throat doctor, the nearest one in her network was in Albany, NY, which is 5 hours away from where she lives. Even though her own cardiologist was on the network list, he said he didn't take her plan. She ended up driving an hour to see a new cardiologist. Finally, there was a dispute over deductibles that left her with a pediatrician's bill for $457.

Five hours to take her son to a specialist? Is that what the President means when he says the Democrats should forcefully defend and be proud of this law they voted for? Almost $500 out of pocket to see a pediatrician? Is that the kind of powerful effect President Obama wanted his health care law to have on families? That is what he said last week, ''a powerful effect on their lives.'' What does the President have to say to this woman, to Alexis?

The only reason health care costs are not even higher for a lot of people is because the Obama administration decided to give subsidies to some people to help hide the true costs. Over the next few months, the Supreme Court is going to decide if President Obama is breaking his own law by giving out some of those subsidies.

Millions of people in 37 States may suddenly find that they have to bear the expenses of ObamaCare entirely on their own, buying insurance that many of them don't want, don't need, and can't afford, covering lots of things they would never buy insurance for if given the personal choice, but the President says they must because he seems to know more about what they need for their families than they do.

Last December several of us asked the administration to start warning people, people who buy insurance through the healthcare.gov Web site—the disastrous Web site—to inform those people that they may lose their subsidies come this summer when the Supreme Court makes its ruling.

We asked the administration—the Secretary of Health and Human Services, the Secretary of Treasury—to let us know how the administration plans to protect people who might get caught in the mess that President Obama and his administration and all the people who voted for it created. All we have heard in response is that the administration has no plans—no plans—to warn anyone or to do anything to help Americans harmed by the President's health care law. This has the potential to be yet another ObamaCare train wreck.

Another study came out last month that looked at the change in health insurance coverage for the first 9 months of 2014. It found that there was a total change of about 8 million more people who actually have coverage. The problem is that most of those people were just added to Medicaid. Medicaid is a program that is already broken and doesn't work well. As a doctor who has taken care of patients in Wyoming for almost a quarter of a century, I can tell you that Medicaid across the country is a broken system. Yet the people who have gotten health insurance—not care; the President is quick to use the word ''covered,'' but he doesn't use the word ''care'' because there is a huge difference. I can tell you that as a doctor. There were about 6 million people enrolled in the individual market, mostly through the exchanges, except 5 million people lost their insurance that they had gotten before through work.

So when you take a look at the net effect on coverage, 89 percent of those newly covered got it through Medicaid. That works out to a net gain of a little under 1 million people who actually got private insurance, in spite of the exchanges and in spite of the subsidies.

Seven and a half million got it through Medicaid. All of that expense and all of the hardship President Obama caused on American families—families who have suffered as a result of the President's health care law—and most of the net gain in coverage is people who went onto Medicaid?

The American people didn't ask for this. If President Obama actually talked with a real representative sample of Americans, he would know that. But he doesn't. He only hears what he wants to hear. He disregards the rest. He didn't do that last week. He still refuses to listen to people who have been hurt by his law.

It is time for the President to be honest with the American people about the ways his law has harmed them. This is it—New York Times, Sunday, February 8, ''Insured, but Not Covered: New policies have many Americans scrambling.''

It is time for the President to start working with Republicans to give people the kind of health care reform they wanted all along—access to the care they need from a doctor they choose at a lower cost. That is what the American people are demanding, and that is what they deserve, and that is what Republicans are going to give them when we get the opportunity to do so. It is time for President Obama to join us.

Thank you, Mr. President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. SCHUMER. Mr. President, we are running out of time until the Department of Homeland Security shuts down, and the majority doesn't seem to have any real plan to avoid it.

There are 17 days left—with a week of recess in between—until tens of thousands of DHS workers are furloughed, fire grants to local fire departments are no longer sent out, and training local first responders in handling terrorist attacks stops dead in its tracks. Yet each day comes with a new round of finger-pointing from Republicans eager to pass the buck to the other Chamber.

The distinguished majority leader, my friend, Senator MCCONNELL, and my friend from Tennessee, Senator ALEXANDER, and many other Republicans in this body have said it is time for the House majority to come up with a new plan. The House of course says it is the Senate majority that needs to act again. This morning Speaker BOEHNER, astoundingly, said the House would not pass another DHS bill. He is tied in such a knot he can't move, even though he knows his failure to move risks a government shutdown.

The House of course says it is the Senate majority that needs to act again, and yesterday the majority leader said the onus was now on the House to fund DHS. This morning the majority leader said the onus is now on the Senate. We have all kinds of Abbott and Costello behavior going on. The funny thing is the finger-pointing is not at the Democrats. They are pointing at each other as to who is to blame.

The American people are getting whiplash from listening to the Republican leadership on this issue. The Republicans need to sort out the divisions within their own caucus before they deflect any blame on Democrats, because while Democrats remain united in both Houses in support of a clean bill, the Republican majority is busy playing a game of hot potato with national security funding.

The disunity and delay has led a few Republicans to start talking about a continuing resolution that would guarantee another cliff and more brinkmanship and underfund DHS in the meantime. Delaying this same standoff by a few weeks or months isn't a very good plan B. It is hardly a plan at all.

Secretary Jeh Johnson described the CR for DHS this way: ''It's like going on a 300-mile trip with a five-gallon tank of gas.''

Let me give a few examples of why a Republican continuing resolution is a very poor plan B.

Mr. CORNYN. Mr. President, will my friend from New York yield for a question?

Mr. SCHUMER. I will yield for a question when I finish my remarks, just as he was nice enough to yield to me a few days ago.

First, without a bipartisan full-year bill, the Secret Service cannot move forward with the critical reforms recommended by an independent panel of experts made after the White House fence-jumping incident.

Second, we can't upgrade the biometric identification system that prevents terrorists from coming into the country. Republicans and Democrats negotiated an additional $25 million for DHS to upgrade the system that allows them to stop terrorists from coming through an airport or on a cargo ship and into the United States. A CR does not provide that funding.

Third, Secretary Johnson has said the Department will be constrained by a CR from improving security along our southwest border and maintaining the resources we added to deal with last summer's border crisis. Some say, Why does a CR constrain all of this? Because it is just ratifying last year's funding, and when new situations have emerged—new terrorist threats, new trouble on the border—we can't change the budget. It makes no sense. No company would simply pass last year's budget when they are experiencing new challenges; neither should our government.

In short, a CR just doesn't work. It is not how we should be funding the Department of Homeland Security.

So we implore our Republican colleagues: Don't shut down the Department of Homeland Security, don't set up another shutdown, and don't underfund the men and women who work 24/7 to keep us safe. Pass a clean appropriations bill and give the people on the frontlines of defending this country the tools they need to get the job done.

I will be happy to yield for a question to my good friend, the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask my friend from New York—I don't hear any Republicans talking about a shutdown and I don't hear any Republicans talking about a continuing resolution. I just hear Republicans talking about taking up the bill the House has passed, which is a $40 billion appropriations bill and having a vote on it. But isn't it true that Democrats are united in blocking our ability to even consider that $40 billion appropriations bill?

Mr. SCHUMER. I thank my friend for the question. It is nice to see him standing on the Democratic side. I hope he tries it again. If he likes it, he might do it more often.

I would say this: We all know what Speaker BOEHNER did. The hard right in the House said we want to force the President to undo his Executive order. They know if they put it on the floor alone, the President might veto it, so they attached it to Homeland Security and they basically say to the President, the only way we will fund the Department of Homeland Security is if we include these unpalatable riders, which the President has said he would veto.

So there is a simple solution.

That would force a shutdown. What the House did is say if we don't do it our way, we are shutting down the government. That didn't work 2 years ago—and that effort was led by the junior Senator from Texas, not my friend, the senior Senator from Texas—and it is not going to work today. Everyone knows what our colleagues in the House did. They are playing hostage. They are holding a gun to the head of America and saying unless we do it their way, they are going to shut down the government. That is why they attached it.

Let me repeat to my dear friend from Texas: No one objects to debating what the President did on Executive orders. We welcome that debate. It is the act of tying it to funding the government—the same thing they did with ObamaCare a few years ago—that says we are going to shut down the government unless we get our way.

So the logical solution—and I will yield in a moment—is very simple: Pass the Department of Homeland Security bill. If they don't want to shut

down the government, pass a clean Homeland Security bill and then the majority can put immigration on the floor and we can debate it.

Mr. CORNYN. Mr. President, again, I don't hear any Republicans talking about shutting down the government. Indeed, the deadline, as I understand, is February 27 for this appropriations bill. What we are having is a discussion about the President's abuse of his authority under the Constitution by issuing the Executive order. I understand we disagree about that—and we ought to have that debate—and the public I think would insist that we honor our oath by making sure we protect and defend the Constitution of the United States, including against Presidential overreach.

I ask my friend, is it going to be the consistent position of our Democratic friends in the Senate that they are going to block us from even getting on the bill so that then they can offer amendments to strip out the parts they don't like? That is the way the Senate is supposed to work, but it doesn't work that way when Democrats are filibustering this $40 billion appropriations bill.

Mr. SCHUMER. I thank my colleague from Texas for his good question. I agree with parts of what he said. First, I agree that we disagree on the President's Executive order.

Second, I agree we ought not debate it in a hostage-taking situation. Our colleagues in the House may not have used the word ''shutdown.'' It doesn't matter. Their actions speak louder than words. When they attach these proposals to the Department of Homeland Security appropriations bill and say we are not going to fund Homeland Security unless we get some of these proposals, that is saying we will shut down the government unless we get our way. Sure, they will not shut down the government if we vote for all of their extraneous immigration provisions, and then next time they will attach something else and then something else. But they are using the threat of a government shutdown to try and get their way. That has not worked in the past and it will not work today.

So we Democrats are not blocking any debate. We are happy to debate funding the Department of Homeland Security. We are happy to debate immigration. Challenge us. Pass Homeland Security, put immigration on the floor, and see if any Democrat tries to block that debate. We welcome that debate. We think we will win that debate. I know my good friend from Texas disagrees with that.

But that is not the issue. The issue is again that unless Democrats do it our way, we are shutting down the government. That is what the House did and so far that is what the Republican majority in the Senate is going along with. That is government shutdown. That is hostage-taking. That hasn't worked in the past and it will not work now.

It is unprecedented. The junior Senator from Texas came up with this kind of thinking, and unfortunately too many of our colleagues on the other side of the aisle go along with him, either out of conviction or for some other reason.

Mr. CORNYN. Mr. President, will the Senator yield for one last question? He has been very gracious, and I appreciate it.

Mr. SCHUMER. Of course. I enjoy these debates.

Mr. CORNYN. While I don't agree with his answers, I appreciate the spirit in which we are actually having a discussion. But I wonder if he can explain to me how it is that the majority is blocking Department of Homeland Security funding when the House has passed a $40 billion bill. Republicans have been united in voting to proceed to get on the bill and then allowing an amendment process where the minority can then move to strike the provisions they don't like. That is the way the Senate is supposed to operate.

How is it that Republicans are blocking Department of Homeland Security funding under those circumstances? I don't understand that.

Mr. SCHUMER. I would just ask the rhetorical question—and I thank my colleague—why did they attach these provisions, inimicable to the President, inimicable to us, to the Department of Homeland Security bill, which has nothing to do with it? It was not because they wanted a debate, not because they wanted to fund Homeland Security. There are easy ways to do that. They wanted to say that unless we do it their way, they are not going to fund Homeland Security and they are going to shut down a major portion of the government.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. PERDUE. The Senator from Mississippi.

Mr. WICKER. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are indeed, with Senators permitted to speak for up to 10 minutes.

TRIBUTE TO MALCOLM BUTLER

Mr. WICKER. Mr. President, I rise briefly today to recognize the extraordinary story of my fellow Mississippian Malcolm Butler, who hails from Vicksburg, MS, and attended Hinds Community College. Mr. Butler, a cornerback for the New England Patriots, made the game-winning interception in Super Bowl XLIX on February 1, 2015.

I ask unanimous consent to have printed in the RECORD an article by Rick Cleveland.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Daily Journal, Feb. 3, 2015]

VICKSBURG'S BUTLER RISES UP AS MISSISSIPPI'S LATEST NFL HERO

(By Rick Cleveland)

You wait in line, easing around one carlength at a time. Finally, you roll down your window and the voice over the microphone says, ''Welcome to Popeyes. Can I take your order?''

Malcolm Butler was that voice, the one who asks you if you want your chicken spicy or mild, your tea sweetened or unsweetened.

Before he became a Super Bowl hero, Malcolm Butler worked the to-go window at Popeyes. That was after nobody much had recruited him out of Vicksburg High School. That was after he was kicked off the Hinds Community College football team after a campus altercation.

''Welcome to Popeyes, can I take your order?''

Well, sure, I'll have a pass interception on the goal line to win the Super Bowl.

Malcolm Butler's story is for everybody who a makes a huge mistake. Who flunks the big exam. Who gets kicked out of school. Who gets fired. Who gets told they aren't quite good enough or tall enough or fast enough.

Malcolm Butler, Super Bowl hero.

Twenty-six seconds remained. The Seattle Seahawks had second-and-goal at the New England one-yard-line trailing 28–24. The Hawks needed three feet, 36 inches for victory.

There were 22 players on the field. Would Russell Wilson, the great star from Wisconsin, give it to Marshawn Lynch, the irrepressible one from Washington, or throw to Doug Baldwin of Stanford? Would they run behind James Carpenter of Alabama or Justin Britt of Missouri? Who would make the big defensive play: Vince Woolfork, the monster out of Miami, or Dont'a Hightower of Bama?

So many questions, just one answer.

Only heaven or Pete Carroll knows why the Seahawks didn't give the ball to Lynch, but they did not.

No, they ran out of the shotgun. They didn't even fake it to Lynch. The Seahawks ran a straight pass. Ricardo Lockette split out wide to the right behind Jermaine Kearse. The call was for Kearse to clear a path for Lockette to run a simple slant pattern.

Malcolm Butler never let it happen. Later, he would say he saw what would happen before it happened. He saw it in his mind's eye. Butler didn't let Kearse get in his way. He broke in front of Lockette before Russell even released the ball. And then, somehow, he caught the ball during the collision.

Malcolm Butler, Super Bowl hero.

SUMMON THE HEROES

Mississippi has produced so many over the years. Jerry Rice starred in three Super Bowls. Eli Manning was the MVP in two of them. Brett Favre led the Packers to a Super Bowl title. L.C. Greenwood sacked Roger Staubach four times in one Super Bowl. The great Willie Brown of Yazoo City once returned a Fran Tarkenton Super Bowl pass 75 yards for a Super Bowl touchdown. Walter Payton helped the Bears shuffle to a Super Bowl ring.

But Jerry Rice was the greatest receiver in the history of the game. Eli Manning's pedigree is known to all. Favre was in the process of winning three straight NFL MVPs. Greenwood was part of Pittsburgh's Iron Curtain. Willie Brown might be the greatest corner in the history of the sport. Payton was Payton.

Malcolm Butler? After they let him back on the team at Hinds, he had no Division I scholarship offers. He played his college football at West Alabama, formerly Livingston. When he finished Livingston, 32 NFL teams had a chance to draft him. None did.

But Malcolm Butler kept working, kept believing.

Against all odds, he made the team, worked his way into the rotation and made

the biggest play in the most important game. Thus he joins Mississippi's remarkable Super Bowl pantheon.

Willie Brown, L.C. Greenwood, Walter Payton, Jerry Rice, Brett Favre and Malcolm Butler.

Malcolm Butler.

Super Bowl hero.

Mr. WICKER. Mr. President, Rick Cleveland is the executive director of the Mississippi Sports Hall of Fame and Museum. This story appeared on February 3, 2015, in a number of newspapers, including my hometown of Tupelo's Northeast Mississippi Daily Journal. The article points out how Malcolm Butler overcame adversity, how he went from working at a Popeyes fried chicken restaurant to being the hero of this year's Super Bowl.

My home State of Mississippi has a long and storied football tradition. Gridiron legends such as Archie Manning, Eli Manning, Michael Oher, Jerry Rice, Walter Payton, Brett Favre, and a host of others from the Magnolia State are included in this list. As Rick Cleveland points out in the article, Malcolm Butler now joins Mississippi's remarkable Super Bowl pantheon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FISCHER). Without objection, it is so ordered.

(The remarks of Mrs. MURRAY pertaining to the introduction of S. 469 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. MURRAY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, it is my understanding that we have someone coming down in about 10 minutes. I ask unanimous consent that I be recognized shortly after 2:25 p.m. I wish to lock that in—Senator HOEVEN and then me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEYSTONE PIPELINE

Mr. HOEVEN. Madam President, I would like to speak on the subject of the Keystone XL Pipeline. The Keystone XL approval bill which we passed in the Senate will be voted on this afternoon in the House. I believe the House will pass the bill with a strong bipartisan majority, just as we did in the Senate.

This bill is about energy, it is about jobs, it is about economic growth, and it is about national security through energy security. I have been on the floor in the Senate talking about all these issues as we worked on this bill. The Keystone XL Pipeline approval bill was the first bill we took up in the Senate in this Congress, S. 1. I think there were on the order of 250 amendments filed on the bill and we voted on more than 40 amendments with rollcall votes. We debated, Senators brought forward their amendments, and we voted on the bill and the bill passed, as I say, with a strong bipartisan majority.

Now the House will vote, as I say, this afternoon on the bill as well. I think it is remarkable that today is the day we will pass the bill completely through the Congress. I think it is remarkable because it is on the very same day the President has sent to the Congress an AUMF, authorization for use of military force, to deal with ISIS. It is on the very same day the President has sent us an AUMF, authorization for use of military force, to actually send our soldiers, our men and women, our combat resources to the conflict in the Middle East, the very same day we are passing legislation that will help our Nation with the production of more energy, not only in the United States but also working with our closest friend and ally, Canada.

This pipeline is about the infrastructure we need to help us move to energy security, meaning that we produce more energy than we consume. Today in the United States we consume about 18 million barrels of oil a day. Of that total, we produce about 11 million barrels a day, and we import from Canada about 3 million barrels a day. So if we do the math, that means there are about 4 million barrels a day we need to import from other countries. We get about half of that from OPEC, roughly 2 million barrels a day. The Keystone XL Pipeline will move 830,000 barrels a day. Some of that will be produced in Canada, some of it will be produced in the United States, but it will move 830,000 barrels a day to our refineries. That is almost 1 million barrels a day we don't have to import from somewhere else.

So go back to the math. I just said we were importing from countries other than Canada 4 million barrels a day, half of that from OPEC—about 2 million barrels a day. This project is almost half of what we are importing from OPEC right now. That is why I say it is remarkable on the very same day that we are working to build energy security for this country, where we are working to develop the infrastructure we need to move oil from where it is produced to where it is refined and consumed in this country, we are also dealing with the conflict in the Middle East. OPEC—we are getting oil from the Middle East and we are dealing with conflict in the Middle East. Let's break that cycle, right?

At the point that we produce more energy than we consume, we are more energy secure. It is not only about growing the economy and creating jobs, but that means we don't have to get oil from OPEC anymore. That is one more reason we may not have to be involved in a conflict in the Middle East in the future. So here we are in a bipartisan way in the Congress doing the work the people sent us to do in the Senate and in the House on a project that has overwhelming bipartisan support, on a project where all six States on the route of this pipeline—Montana, South Dakota, Nebraska, Kansas, Oklahoma, Texas—all of the States have approved it.

They didn't have to particularly hustle because they had 6 years to do it. The administration has held up this project for 6 years. Here we are with something that Congress overwhelmingly supports on a bipartisan basis. All six States that have this pipeline have approved it, and the American people overwhelmingly support it.

In poll after poll, 65 to 70 percent of the American public said, yes, build this infrastructure, create an energy future where we produce the oil and gas we need in America and we work with Canada. We the American people don't want to rely on OPEC or the Middle East anymore for our energy. We don't want to have to import oil from the Middle East. That is what this legislation is all about.

On the very day we are approving this bill through Congress, we are getting the President's request for the use of military force. He is sending that agreement to us and, I believe the President is saying to us, Congress, join with the Obama administration to work to deal with the terrible problem of ISIS, and we need to do that.

We are going to give that AUMF, authorization for use of military force, careful consideration. I think the Congress will work its will. Then we will, together, as representatives of the American people—the Executive and the legislative branch—work to defeat ISIS.

Just as the President is sending that document today, we are sending him a document. We will be sending him a law dutifully passed by both the Senate and the House in a bipartisan way and saying, Mr. President, we need you to work with us too. Just as you want Congress to work with you on an authorization for use of military force, we want you to work with us on behalf of the American people who have spoken loudly and consistently that they want energy security.

Mr. President, we need you to work with us to build that vital infrastructure so we can produce our energy here at home and work with our closest friend and ally, Canada, and not be dependent on energy from the Middle East anymore.

Don't be fooled—don't be fooled. We are in a battle right now for global market share to determine who is going to produce energy in the future. Is it going to be OPEC? Is it going to be Russia? Is it going to be the United States? Who is going to produce energy in the future? The reason the price at the pump has come down over $1 over the course of the past year is because we are producing so much oil and gas in the United States and because we are getting more from Canada. More supply pushes prices down. If that were a tax cut, it would equate to more than a $100 billion tax cut for the American consumer. So what is going on?

On a global basis OPEC is pushing back, because they know if they push back, instead of our industry and our energy industry in this country continuing to grow, it starts to shrink again. Who is back in the driver's seat? OPEC is back in the driver's seat. What do you suppose is going to happen then? Prices will go right back up, and that benefit consumers get at the pump we will not have anymore. Also, that security issue I am talking about we will not have because we will have to continue to bring in oil from the Middle East. This is about a long-term strategy for national security.

It is more than just sending our combat resources into a conflict. A long-term strategy for national security also includes energy security, and just as the President is sending us an AUMF today, we are sending him legislation today that will make our Nation more energy secure. I hope the President will join with us in that endeavor on behalf of the American people.

Thank you, and with that I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that I be recognized for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I was listening very carefully to the Senator talking about our situation with the pipeline, and there is something else I was going to talk about, but I want to make sure we say it as often as we can. I have sent for a poster which I want to share with the Senate.

My State of Oklahoma is more than just passively interested in the pipeline. In the center of Oklahoma is a town called Cushing. Cushing, OK, happens to be the central location for the pipelines going throughout the United States—east, west, north, and south. The picture, if it does arrive, that I wanted to share with everyone is of this President who is trying to, I guess, insult our intelligence by having it both ways. I think the Senator from North Dakota made it very clear that the President is dragging his feet and that he has been able to successfully stop the pipeline from coming through.

The picture I will show is a picture of President Obama coming into my State of Oklahoma and standing with all the barrels behind him in Cushing, OK, announcing that he is not going to stop the pipeline from going south from Oklahoma down to the Texas border. That is very good because he cannot do it. The only place he can stop it is when it crosses the international border. Of course that is where he is continuing to stop it.

I have to say he has lost the war of words on this because people know we have an opportunity—that everything the Senator said is correct. We can be totally independent in no time at all. We are not talking about years, we are talking about weeks and months. We can have our total independence just by lifting all the restrictions we have right now, not just the pipeline but what is happening on Federal land.

It is interesting. We have gone through this shale revolution in this country, and it has been so overwhelming. In the last 5 years it has been in spite of the President because he continues in his budget to have all kinds of punitive provisions for the oil and gas industry. Yet because of what has happened with the shale revolution, the use of hydraulic fracturing, the horizontal drilling, we have increased our production over the last 5 years by 61 percent. All of the 61 percent is in private land or it is in State land. We have on Federal land a reduction. While the rest of the country has increased 61 percent, it has been reduced by 6 percent. That is the dilemma we have right now.

It goes far beyond just the pipeline. We have an opportunity to be completely free—and I am talking about our Northern Hemisphere—being free from dependence on anyone in any part of the world for our ability to produce the energy necessary to run this machine called America.

(The remarks of Mr. INHOFE pertaining to the introduction of S. 452 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. INHOFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 295

Mr. MCCONNELL. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 295; that there be up to 1 hour equally divided in the usual form; that following the use or yielding back of that time, the Hatch technical amendment at the desk be agreed to; that the bill, as amended, be read a third time, and the Senate proceed to vote on the bill with no intervening action or debate.

Following disposition of the bill, the Senate will resume the motion to proceed to H.R. 240, the DHS appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMY AND VICKY CHILD PORNOGRAPHY VICTIM RESTITUTION IMPROVEMENT ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 295.

The legislative clerk read as follows:

A bill (S. 295) to amend section 2259 of title 18, United States Code, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate, equally divided in the usual form.

The Senator from Iowa.

Mr. GRASSLEY. Madam President, I thank the majority leader for moving ahead on S. 295, which we call the Amy and Vicky Act.

The need for this bill arises because of the Supreme Court's 5-to-4 decision last year in Paroline v. United States.

The Court at that time limited the recovery that a victim of a child pornography offense could receive, even as additional wrongdoers saw her image as it was repeatedly posted on the Internet.

Rather than making the offender provide restitution for all the harms caused by the repeated viewings, the Supreme Court limited the recovery against any one defendant to the relative harm that defendant caused.

This bill will expand the categories of loss for which the victim could recover. It would reverse, then, the Supreme Court by permitting the victim to recover up to the full loss from any one defendant, subject to a minimum amount, depending upon the defendant's conduct. No longer, then, would the victim receive restitution from each defendant limited to that defendant's own actions. Each defendant would be jointly and severally liable for the victim's entire loss.

The bill sets up a contribution procedure for those defendants, which then would make the victim whole. Of course, that is the main point.

The choice is between the convicted child pornography offender being held responsible for the full loss and the innocent victim not receiving full compensation.

The Supreme Court ruled that the victim could not receive all her restitution from any one single defendant,

even as her damage suffered was compounded. This bill appropriately rejects that. I hope it is not the last time this Congress overturns a Supreme Court decision.

I am proud to be an original cosponsor of this legislation, as I was in the last Congress. I was pleased that the first legislation the Judiciary Committee took up when I became chairman was this bipartisan child pornography bill, and I am glad to have shepherded that bill through the committee so that the Senate at this time can take it up as one of its first legislative items.

We should all commend, as I do, Senator HATCH for his work on this very important piece of legislation.

I yield the floor.

Mr. TOOMEY. Madam President, I am very pleased to see the Senate will pass the bipartisan Justice for Amy and Vicky Act.

As an original co-sponsor of this bill, it's great to see that the Senate is helping ensure that victims of child pornography are able to receive full restitution for the terrible harms that they have suffered.

Last year, the Supreme Court issued a decision that sharply limited the remedies available to victims of child pornography.

The case involved Pennsylvania resident ''Amy.''

''Amy'' was just eight and nine years old when her uncle raped her. Amy received help from a therapist and her family, and began to heal. Then, at age 17, Amy learned that her uncle recorded the events and traded them over the Internet. Amy is believed to be the most widely traded image of child pornography: Her attorney estimates that over 70,000 people have viewed these images.

I cannot begin to imagine the devastation Amy feels, so I turn to her own words. Amy writes:

> Every day of my life I live in constant fear that someone will see my pictures and recognize me and that I will be humiliated all over again. It hurts me to know someone is looking at them—at me—when I was just a little girl being abused for the camera. I did not choose to be there, but now I am there forever in pictures that people are using to do sick things. I want it all erased. I want it all stopped. But I am powerless to stop it just like I was powerless to stop my uncle. . . . My life and my feelings are worse now because the crime has never really stopped and will never really stop. . . . It's like I am being abused over and over and over again.

Amy has struggled to hold down a steady job, facing repeated breakdowns. Amy estimates she has suffered $3.4 M in lost income and counseling costs over the years.

Amy sought restitution from those who viewed and traded her image. The Federal restitution statute allows a victim of child pornography to collect restitution from those convicted of producing, trafficking, or viewing images of the victim's abuse.

But Amy faced a problem common in child pornography cases: Tens of thousands of people have trafficked in her image. When she attempted to collect restitution, could she collect the full amount from any one person? Or would she have to wait for tens of thousands of people to be criminally convicted, collecting a small amount from each person, in order to be made whole?

Last April, in the case of Paroline v. United States, the Supreme Court decided that Federal statute required the latter. The Supreme Court recognized that this was unworkable, and it called on Congress to provide a legislative remedy.

Last year, I responded to the Supreme Court's call by introducing the Justice for Amy Act, which would ensure that victims of child pornography are able to receive full restitution, without having to appear in thousands of court cases.

It sought to amend the Federal restitution statute to provide that all defendants who produce, traffic, or possess child pornography of a victim are jointly and severally liable for all of that victim's damages, and may sue one another for contribution. This goal is to take the burden off of the child victim, and places it on the child pornographers. Once one defendant is found guilty, he is held liable for the full damages and the burden is on him to sue all other wrongdoers to help pay the restitution award.

I am pleased to see that this commonsense approach has been adopted by and incorporated into the Justice for Amy and Vicky Act. I am proud to be an original co-sponsor of this important legislation that the Senate will pass today.

This bill provides one important first step in ensuring that victims of child sexual abuse receive the help they need. I look forward to continuing to work with my colleagues to provide additional protections for America's children.

Mr. DAINES. Madam President, as a father of four, I am deeply concerned by the very need for legislation like S. 295, the Amy and Vicky Child Pornography Victim Restitution Improvement Act. It is appalling that even a single one of our children is subject to such base and vile exploitation. As parents, and as a Nation, it is paramount we guard our children when there are those who would exploit them in pornography, who would enslave them in human and sex trafficking, and who would perpetrate this sickening crime upon them.

The Amy and Vicky Child Pornography Victim Restitution Act is one more step in laying the full consequences of these heinous crimes upon the perpetrators. While current law brings criminals to justice before the courts, it can leave the victims to reconstruct their lives with only limited resources on hand. This bill would make sure victims of child pornography have what they need to rebuild and restore their lives by making the perpetrators financially responsible.

Yet while it is a good and necessary step, nothing can ever truly be done by the law or the courts to repair the damage that has been wrought on these lives. We must stop it before it begins. So let us help those who are in need of healing and stop those who would continue this violence.

Mr. GRASSLEY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that any time during the quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TOOMEY). Without objection, it is so ordered.

DEPARTMENT OF HOMELAND SECURITY FUNDING

Mr. COATS. Mr. President, later this month, on February 27, funding for the Department of Homeland Security will run out. I think we all agree this is a critical time for our country's national security, and it is important that we fully fund Department of Homeland Security to protect Americans against terrorist attacks.

But in recent days several of my friends across the aisle have spoken on this floor asserting that Republicans are trying to force a Department of Homeland Security shutdown. Nothing could be further from the truth.

Essentially, their argument is that unless Republicans choose to completely agree with President Obama's egregious constitutional violation of executive power to implement major changes in our immigration laws—an issue which is clearly the responsibility of the people's elected representatives—then Republicans will be responsible for any lapse in DHS funding.

So to put all this in perspective regarding this situation and the assertion that a few of my colleagues have made, let me give you some thoughts. First, let's remember how we got into this situation to start with. In 2008, a Presidential candidate by the name of Barack Obama said the following:

> I take the Constitution very seriously. The biggest problems that we are facing right now have to do with trying to bring more and more power into the executive branch and not go through Congress at all. And that's what I intend to reverse when I am President of the United States of America.

He went on to say when he was President:

America is a nation of laws, which means that as President, I am obligated to enforce that law. I don't have a choice about that. That's part of my job. But I can advocate for changes in the law so that we can have a country that is respectful of the law but also continues to be a great country of immigrants.

Here is the key statement:

With respect to the notion that I can just suspend deportations through executive order, that is just not the case, because there are laws on the books that Congress has passed.

I could go on and on about what the President has said about his limitation of powers both as a candidate and as the President of the United States. Of course, he has violated and trampled on every word he has said, broken many promise he has made, and taken just the reverse position on everything he said about this issue on the Senate floor as a Senator and now as President.

So Republicans have responded by simply saying: ''That is a violation of your Executive power. We think these issues ought to be debated and worked through the people's representatives, as they have been in the past.''

Because there is an association between the Department of Homeland Security funding and funding for certain aspects of immigration, Republicans thought it would be worthwhile to bring a debate to the floor so the public could hear what we have to say on this issue and so that we could make adjustments through this process.

Having suffered through 6 years of this Presidency—4 years for me—led by a then majority leader of the Democratic Party, with Republicans not being allowed to debate on the floor any significant issues that perhaps did not fit the Democratic agenda, new management has taken over here and opened up the process so that we can again be the people's representatives and speak and debate on the floor, offer amendments—winning some, losing some—and come to a conclusion.

Looking for the right vehicle, the only real vehicle, that would allow us to at least debate and offer our amendments in opposition to what the President is trying to do has been totally stifled through Democrat filibustering, not even allowing us to move forward with the bill. So we are stuck here in a difficult situation, wanting to address this egregious abuse of the power constitutionally designated to the President and at the same time needing to fund our necessary security needs through the Department of Homeland Security.

By not allowing us to even bring this issue to the floor of the Senate and debate it back and forth, offering amendments to address each Senator's various concerns, we neglect to move forward on legislation that addresses these two important needs: Number 1, the funding of our national security through DHS, and Number 2, the issue of the President's constitutional overreach.

So we stand here frustrated with our inability to be able to go forward in the way the American people expect us to go forward, in the way this Senate has traditionally operated. Here we stand in a stalemate because one party says: ''No, we don't even want to let you talk about it.'' One party says: ''No, we don't even want to take it up, offer our amendments.'' Maybe they are afraid they will not pass. That is how it works here.

The irony is that at least eight Democrats, as I count, were very critical when the President issued his Executive order regarding immigration. They basically said: ''Yes, that does exceed his powers, and he should not have done that.''

Here is an opportunity for them to weigh in with their votes instead of just their rhetoric. Yet they will not even allow that to happen.

So we are caught here in this dilemma. But let me make a couple of things absolutely clear, at least from my perspective. I do not believe a departmental shutdown is the appropriate response to this issue. Funding and paying for essential functions of the Department of Homeland Security at a time when threats have never been higher is absolutely critical. So we have to achieve that by whatever means.

By the same token, addressing this egregious constitutional violation and the President's broken promises relative Executive power on immigration is a key issue the American people want debated now. It needs to be debated. Both sides have agreed that we need immigration reform. But it ought to be done through the people's representatives and not through the wishes of the President of the United States when he does not have the power to make these changes.

So I trust that we will be able to work through this in the next several days leading up to our recess or the end of this month when we have to come to a conclusion. We are working hard to do that. We just would like the opposing party, the Democrat Party, to allow its Members to say where they stand, to offer changes, to offer alternatives, and to offer amendments. It is important enough for us to do what we were sent here to do, and that is to represent the people in this country on the critically important issues that lie before us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the bill before us proves the axiom that big things come in small packages. This bill, the Amy and Vicky Child Pornography Victim Restitution Improvement Act, may only be several pages long, but it is a very big bill.

In 1994, by enacting the Violence Against Women Act, Congress required that defendants who commit certain crimes pay restitution to their victims. I had a lot to do with that bill. These are crimes—such as the sexual exploitation of children—that have a particularly devastating impact on victims, and they need help to put their lives back together.

Last year, in a case titled ''Paroline v. United States,'' the Supreme Court concluded that the restitution statute cannot provide the restitution that Congress promised for child pornography victims. The only way to fix this problem is to amend the restitution statute in a way that accounts for the insidious and evil nature of child pornography itself.

The Supreme Court held in Paroline that under the statute as currently written, a victim can seek restitution only for losses that are directly related to an individual defendant's distribution or possession of specific images of her abuse. That is not only virtually impossible to prove, but it pretends that defendants and images are isolated and self-contained. The truth is that in the Internet age, defendants are part of a growing, shifting, and constantly active group of individuals who keep the victimization going. As the Supreme Court put it in Paroline last year, each viewing of child pornography is a repetition of the child's abuse. Everyone who drives the trafficking in those images repeats that abuse and contributes to a victim's losses. Some of them will be caught and prosecuted, while others will hide in the shadows and seek safety in numbers.

The harsh reality for a victim is that the Internet has multiplied the number of individuals who harm her and, at the same time, made it harder to identify them so she can seek restitution—or should I say, she really can't seek restitution.

The bill before us today addresses this cruel catch-22. This bill is named for Amy and Vicky, the victims in two of the most widely viewed child pornography series in the world.

When I reintroduced this bill on January 28, I also shared the story of Andy, a young man in Utah who is the victim in another widely distributed child pornography series.

He is the named victim in more than 700 cases but has been granted restitution under Paroline in only one-quarter of the cases in which he has sought it and actually received restitution in just two of those cases.

This bill provides judges with options for calculating a victim's total losses and imposing restitution in different kinds of cases. That is not always easy for the very reason that I just described. A judge must impose restitution in an individual case for losses that flow from ongoing harm. But that is the diabolical nature of child pornography, and we must equip the criminal justice system to address it.

This bill helps victims in another important way. Today a victim must chase every single defendant to seek restitution, only to be told that she

must seek the impossible and, therefore, receive next to nothing. In addition to providing a way for judges to require meaningful restitution in individual cases, this bill allows defendants who harm the same victim to seek contribution from each other to spread that restitution cost.

Let me put it as simply as I can. The current statute maximizes a victim's burden and minimizes her restitution. This bill minimizes a victim's burden and maximizes her restitution.

Both Amy and Vicky personally endorse this bill. National victim advocacy groups also support it, including the National Center for Missing and Exploited Children, the National Organization for Victim Assistance, the National Crime Victim Law Institute, the National Center for Victims of Crime, the National Task Force to End Sexual and Domestic Violence Against Women, and the Rape, Abuse and Incest National Network.

Last October I received a letter endorsing this bill signed by the attorneys general of 43 States—22 Republicans and 21 Democrats. This has, in fact, been a truly bipartisan effort.

The senior Senator from New York, Mr. SCHUMER, has been my partner from the start in developing this legislation and has been a champion for crime victims for many years. It is important to have him on this bill. He is one of the great leaders in the Senate today, and we intend to do more together in the future.

The cosponsors include 22 Republicans and 17 Democrats. Big things really do come in small packages.

I have been contacted by advocates working with dozens of countries around the world to tackle the problem of child pornography and exploitation. They emphasize the need for meaningful restitution and say that this legislation can be an example for other countries to follow.

Congress in 1994 required full restitution for child victims of sexual exploitation. The Supreme Court last year confirmed that the restitution statute cannot keep that promise to victims of child pornography.

Enacting this legislation shows Congress at its best, stepping up and taking the action necessary to address this problem. Amy, Vicky, and Andy are counting on us.

This is an extremely important bill. It means that victims of child pornography—usually videos that are shipped all around the world and seen by, maybe, millions—have the chance of being able to get true restitution under this bill. Before that, they would have to go and sue everyone who was involved, and there is no way they could find that out, no way they could really do that, no way they could really get restitution and justify the attorneys' fees, and no way they could really vindicate themselves and show these people, these horrible people who do these things to children, that they are not going to get away with it anymore.

This bill eliminates all of that. This bill makes it possible for the victims of pornography and childhood exploitation to be able to recover and to get restitution for the very poor treatment they have undergone.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise today in support of the Amy and Vicky Child Pornography Victim Restitution Improvement Act, which my good friend Senator ORRIN HATCH has requested a vote on this afternoon.

First, I thank Senator HATCH for his work on this important legislation. I was proud to work alongside him as the Democratic cosponsor of his bill, and he has been an absolute force in pushing this bill in the Judiciary Committee and to the floor today. We have had a great partnership and have worked on many things together, and I think I join every one of my 99 colleagues in telling the Senator from Utah how much respect we have for him.

Our bill does one important thing. It fixes a flaw in our restitution system for pornography victims. You see, in this day and age, victims of child pornography face ongoing harm every time a video or picture of them is shared and viewed on the Internet. As the Supreme Court explained about a victim:

> These sexual abuse crimes are compounded by the distribution of images of her abuser's horrific acts, which meant the wrongs inflicted upon her were in effect repeated; for she knew her humiliation and hurt were and would be renewed into the future as an ever-increasing number of wrongdoers witnessed the crimes committed against her.

The horror of sexual abuse can be long lasting. It can constitute the loss of income, medical care, psychiatric counseling, and therapy. The victims of sexual abuse, therefore, are absolutely in the right to seek restitution from those evil criminals who perpetuate the original crime by sharing and viewing images of the crime.

A 2014 Supreme Court case, Paroline v. United States, placed a heavy burden on the child pornography victims trying to recover restitution. The tragic effect of the Supreme Court's decision in the Paroline case was this: The more widely viewed the pornographic image of a victim and the more offenders there are, the more difficult it is for the victim to recover for her anguish and her damages.

For the perpetrators of child pornography, there should not be safety in numbers.

Now, the bill that Senator HATCH has led on and I was proud to cosponsor rights this wrong. Our bill provides a method for these victims to seek restitution for the total harm they endured from this horrific victimization. Specifically, the Amy and Vicky Act does three things that reflect the nature of these crimes. First, it considers the total harm to the victim, including from individuals who may not yet have been identified. Second, it requires real and timely restitution. And, third, it allows defendants who have contributed to the same victims' harm to spread the restitution cost among themselves.

These specific changes are supported by the attorneys general of 43 States and countless national victim advocacy groups, such as the National Center for Missing and Exploited Children, and they have wide bipartisan support in the Senate.

Once again, I commend my colleague Senator HATCH for the great work he has done on this and other things.

As I said while he was not in the Chamber, I look forward to our working on many other causes together. He is a great leader and very well respected by me and all of his colleagues.

I urge my colleagues to pass this important measure to give more power to the victims of sexual abuse to seek redress, closure, and justice for the crimes—the dastardly crimes—committed against them.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Under the previous order, amendment No. 250 is agreed to.

The amendment is as follows:

(Purpose: To improve the bill)

On page 4, beginning on line 22, strike ''sexual conduct (as those terms are defined in section 2246)'' and insert ''sexual contact (as those terms are defined in section 2246) or sexually explicit conduct (as that term is defined in section 2256)''.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass?

Mr. ALEXANDER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Kansas (Mr. MORAN).

Mr. DURBIN. I announce that the Senator form Nevada (Mr. REID) is necessarily absent.

The PRESIDING OFFICER (Mr. GARDNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—98

Alexander	Fischer	Murray
Ayotte	Flake	Nelson
Baldwin	Franken	Paul
Barrasso	Gardner	Perdue
Bennet	Gillibrand	Peters
Blumenthal	Graham	Portman
Blunt	Grassley	Reed
Booker	Hatch	Risch
Boozman	Heinrich	Roberts
Boxer	Heitkamp	Rounds
Brown	Heller	Rubio
Burr	Hirono	Sanders
Cantwell	Hoeven	Sasse
Capito	Inhofe	Schatz
Cardin	Isakson	Schumer
Carper	Johnson	Scott
Casey	Kaine	Sessions
Cassidy	King	Shaheen
Coats	Kirk	Shelby
Cochran	Klobuchar	Stabenow
Collins	Lankford	Sullivan
Coons	Leahy	Tester
Corker	Lee	Thune
Cornyn	Manchin	Tillis
Cotton	Markey	Toomey
Crapo	McCain	Udall
Cruz	McCaskill	Vitter
Daines	McConnell	Warner
Donnelly	Menendez	Warren
Durbin	Merkley	Whitehouse
Enzi	Mikulski	Wicker
Ernst	Murkowski	Wyden
Feinstein	Murphy	

NOT VOTING—2

Moran	Reid

The bill (S. 295), as amended, was passed, as follows:

S. 295

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Amy and Vicky Child Pornography Victim Restitution Improvement Act of 2015''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The demand for child pornography harms children because it drives production, which involves severe and often irreparable child sexual abuse and exploitation.

(2) The harms caused by child pornography are more extensive than the harms caused by child sex abuse alone because child pornography is a permanent record of the abuse of the depicted child, and the harm to the child is exacerbated by its circulation. Every viewing of child pornography is a repetition of the victim's original childhood sexual abuse.

(3) Victims suffer continuing and grievous harm as a result of knowing that a large, indeterminate number of individuals have viewed and will in the future view images of their childhood sexual abuse. Harms of this sort are a major reason that child pornography is outlawed.

(4) The unlawful collective conduct of every individual who reproduces, distributes, or possesses the images of a victim's childhood sexual abuse plays a part in sustaining and aggravating the harms to that individual victim. Multiple actors independently commit intentional crimes that combine to produce an indivisible injury to a victim.

(5) It is the intent of Congress that victims of child pornography be fully compensated for all the harms resulting from each and every perpetrator who contributes to their anguish.

(6) Congress intends to adopt and hereby adopts an aggregate causation standard to address the unique crime of child pornography and the unique harms caused by child pornography.

(7) Victims should not be limited to receiving restitution from defendants only for losses caused by each defendant's own offense of conviction. Courts must apply a less restrictive aggregate causation standard in child pornography cases, while also recognizing appropriate constitutional limits and protections for defendants.

SEC. 3. MANDATORY RESTITUTION.

Section 2259 of title 18, United States Code, is amended—

(1) in subsection (b), by striking paragraph (3) and inserting the following:

''(3) DEFINITION.—(A) For purposes of this subsection, the term 'full amount of the victim's losses' includes any costs incurred by the victim for—

''(i) lifetime medical services relating to physical, psychiatric, or psychological care;

''(ii) lifetime physical and occupational therapy or rehabilitation;

''(iii) necessary transportation, temporary housing, and child care expenses;

''(iv) lifetime lost income; and

''(v) attorneys' fees, as well as other costs incurred.

''(B) For purposes of this subsection, the term 'full amount of the victim's losses' also includes any other losses suffered by the victim, in addition to the costs listed in subparagraph (A), if those losses are a proximate result of the offense.

''(C) For purposes of this subsection, the term 'full amount of the victim's losses' also includes any losses suffered by the victim from any sexual act or sexual contact (as those terms are defined in section 2246) or sexually explicit conduct (as that term is defined in section 2256) in preparation for or during the production of child pornography depicting the victim involved in the offense.'';

(2) by redesignating subsection (c) as subsection (d);

(3) by inserting after subsection (b) the following:

''(c) DETERMINING RESTITUTION.—

''(1) HARMED BY ONE DEFENDANT.—If the victim was harmed as a result of the commission of an offense under section 2251, 2251A, 2252, 2252A, or 2260 by 1 defendant, the court shall determine the full amount of the victim's losses caused by the defendant and enter an order of restitution for an amount that is not less than the full amount of the victim's losses.

''(2) HARMED BY MORE THAN ONE DEFENDANT.—If the victim was harmed as a result of offenses under section 2251, 2251A, 2252, 2252A, or 2260 by more than 1 person, regardless of whether the persons have been charged, prosecuted, or convicted in any Federal or State court of competent jurisdiction within the United States, the court shall determine the full amount of the victim's losses caused by all such persons, or reasonably expected to be caused by such persons, and enter an order of restitution against the defendant in favor of the victim for—

''(A) the full amount of the victim's losses; or

''(B) an amount that is not more than the amount described in subparagraph (A) and not less than—

''(i) $250,000 for any offense or offenses under section 2251(a), 2251(b), 2251(c), 2251A, 2252A(g), or 2260(a);

''(ii) $150,000 for any offense or offenses under section 2251(d), 2252(a)(1), 2252(a)(2), 2252(a)(3), 2252A(a)(1), 2252A(a)(2), 2252A(a)(3), 2252A(a)(4), 2252A(a)(6), 2252A(a)(7), or 2260(b); or

''(iii) $25,000 for any offense or offenses under section 2252(a)(4) or 2252A(a)(5).

''(3) MAXIMUM AMOUNT OF RESTITUTION.—No order of restitution issued under this section may exceed the full amount of the victim's losses.

''(4) JOINT AND SEVERAL LIABILITY.—Each defendant against whom an order of restitution is issued under paragraph (2)(A) shall be jointly and severally liable to the victim with all other defendants against whom an order of restitution is issued under paragraph (2)(A) in favor of such victim.

''(5) CONTRIBUTION.—Each defendant who is ordered to pay restitution under paragraph (2)(A), and has made full payment to the victim equal to or exceeding the statutory minimum amount described in paragraph (2)(B), may recover contribution from any defendant who is also ordered to pay restitution under paragraph (2)(A). Such claims shall be brought in accordance with this section and the Federal Rules of Civil Procedure. In resolving contribution claims, the court may allocate payments among liable parties using such equitable factors as the court determines are appropriate so long as no payments to victims are reduced or delayed. No action for contribution may be commenced more than 5 years after the date on which the defendant seeking contribution was ordered to pay restitution under this section.'';

(4) in subsection (d), as redesignated, by striking ''a commission of a crime under this chapter,'' and inserting ''or by the commission of (i) an offense under this chapter or (ii) a series of offenses under this chapter committed by the defendant and other persons causing aggregated losses,''; and

(5) by adding at the end the following:

''(e) REPORT.—Not later than 1 year after the date of enactment of the Amy and Vicky Child Pornography Victim Restitution Improvement Act of 2015, the Attorney General shall submit to Congress a report on the progress, if any, of the Department of Justice in obtaining restitution for victims of any offense under section 2251, 2251A, 2252, 2252A, or 2260.''.

Mr. RUBIO. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BARRY GOLDWATER STATUE DEDICATION

Mr. LEAHY. Mr. President, along with my colleagues I just had the opportunity to be at the unveiling of the statue of Senator Barry Goldwater in Statuary Hall.

I had the privilege of serving with Barry Goldwater. We traveled together many times. He came to Vermont at different times with me, and we became very close friends. It was interesting to watch Senator Goldwater form alliances across the aisle with different people. But I remember expressly one very personal thing.

I was very close to my father, and my father passed away late one evening in Vermont. The next morning, the first

two telephone calls my mother received were condolences. One was from Barry Goldwater, and one was from Ted Kennedy. The two had both talked before they called. I mention that because that was the type of people they both were. It had nothing to do with ideology; it was who they were.

In 1980 I had the second closest election in America. Somebody suggested to me that it must be because of my philosophy. I thought probably, but I can't figure it out. So I called up the man who had the closest election in 1980, the year of the Reagan sweep.

I said, ''Senator Goldwater, what is the message we are being sent?''

Barry laughed and said, ''We have to change our luck.''

He suggested that he move into the office of the retiring Senator Abe Ribicoff of Connecticut, a Democratic Senator from New England. He said, ''I am going to move into his office and change my luck. You better be strong enough to move into mine.''

I suggested that I didn't have quite the seniority to do that. He said, ''I will arrange your move next week.'' He did.

When I was sworn in for my second term in January of 1981, I was in that office. I have stayed in Senator Barry Goldwater's office ever since. I have stayed there now for—well, I am in my 35th year in Senator Goldwater's office, and I consider it a matter of pride, and I consider it a matter of pride to have served with him.

With that, Mr. President, I yield the floor.

Mr. RUBIO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUMF

Mr. RUBIO. Mr. President. I would like to touch on two topics. The first is that today the President has submitted a request for authorization for use of military force with regard to ISIL, or ISIS, as some call it.

First, I think it is good news that the President has made that submission, and I think he is right when he says the country is stronger when both Congress and the President act together.

I would say there is a pretty simple authorization he could ask for, and it would be one sentence, and that is, ''We authorize the President to defeat and destroy ISIL.'' And that is what I think we need to do.

I look forward to reading through his submission. I understand it contains a time limitation. It does not contain geographic limitations. It contains some language that supposedly will make people feel more comfortable about the use of ground troops.

An authorization to use force that has limitations built into it is really quite unprecedented. We did some research, and the Congressional Research Service said that there really were only two previous authorizations that have limited the President in terms of the use of force to be used or the duration of the conflict. One was in 1983 in Lebanon, and one was in 1993 in Somalia. Both of those were peacekeeping missions, so it made sense to limit the peacekeeping mission to use of force. But it appears that never before in certainly modern history has the Congress of the United States authorized the President to take on and defeat an enemy but has done so with limitations on the time or geography or anything of that nature. That is an important point for us to understand because under no circumstances can ISIL stay. What we need to be authorizing the President to do is to destroy them and to defeat them and allow the Commander in Chief—both the one we have now and the one who will follow—to put in place the military tactics necessary to destroy and defeat ISIS.

It is important to point out that circumstances on the ground might rapidly change. They already have. For example, when this began—if you look back a year and a half ago, if I had stood on the floor and given a speech about defeating ISIL or ISIS, no one would have known what I was talking about because at the time most Americans and most Members of Congress had no idea what that was. That is how quickly this has developed into a threat.

I would remind everyone that when they actually crossed over from Syria into Iraq, the President called them the JV team. Even today the facts on the ground continue to evolve very rapidly. For example, we now know through open source reports that ISIL has now established a presence in Derna, Libya, which gives them access to a port facility, and it is a completely uncontested space. There is no government shooting at them. There are no airstrikes. There is no one coming after them there. They can do whatever they want in Libya, and they are doing it. They are using it as a place to train, a place to recruit, a place to resupply, a place to raise money, and they have access to a port that allows them to bring all these things in.

There have also been open source reports of groups in Afghanistan beginning to pledge allegiance to ISIS. In fact, in at least four different countries in north Africa, there are now groups who have pledged allegiance to ISIL. So while we continue to focus on the conflict with relation to Iraq and Syria, we cannot overlook the fact that they are sprouting affiliates throughout the entire region.

I think that after the brutal murder of numerous Americans—we saw last week what happened to the Jordanian pilot—I don't have to spend much time convincing people how dangerous this group is. What we don't hear enough about is the atrocities being committed on a daily basis on the ground, what they are doing to the Sunni population, for example, of areas they have now conquered, the brutality, the way they enforce sharia law with brutal tactics, not to mention the brutal stories we have heard of women being sold off or given away as brides to ISIL fighters, children trafficked into slavery, entire populations slaughtered, and fighters who were captured and killed in mass killings. This is what this group envisions for the world.

The goals of this group are not simply to govern what we knew once as Iraq or Syria or Libya or any other country; their ultimate goal is for the entire world—including where we stand today—to one day live under their mandate, under the rules they have established, under their radical version of Sunni Islam. You may say that is far-fetched, and it may be today, but that is their clear ambition—to spread their form of radical Islam everywhere and anywhere they can. They openly talk about this.

This group needs to be defeated. I wish we had taken this group on earlier. I wish, in fact, that we had gotten involved in the conflict in Syria earlier and equipped moderate rebel elements, non-jihadist rebel elements on the ground so that they would have been the most powerful force there. The President failed to do that in a timely fashion, and as a result a vacuum was created, and that vacuum was filled by this group who has attracted foreign fighters from all over the world to join their ranks.

Now we are dealing with this problem, but I would argue better late than never. Had we dealt with this a year and a half ago or 2 years ago, it wouldn't have been easy, but it would have been easier. But it is important to deal with it decisively now. We can debate the tactics, but it is the job of the Commander in Chief, in consultation with his military officials who surround him and advise him, to come up with the appropriate tactics to defeat the enemy.

For our purposes—very straightforward—ISIL is the enemy. They need to be defeated, and we should authorize this President and future Presidents to do what they can and what they must to defeat ISIS and erase them from the equation.

VENEZUELA

Mr. President, I also wish to take a moment to talk a little bit about what is happening in Venezuela. Tomorrow, February 12, will mark the 1-year anniversary since students and others across Venezuela took to the streets in peaceful demonstrations and demanded a better government and a better future than the current one, which is corrupt and incompetent and provides no leadership to the country.

Tomorrow also marks the 1-year anniversary since the Venezuelan Government, under Nicolas Maduro, responded with a violent crackdown that left dozens of people dead, thousands injured, and hundreds in jail as political prisoners. There have been at least 50 documented cases of torture by government

forces on peaceful demonstrators, and more than 1,700 individuals await trial today in Venezuela before a judiciary that is completely controlled by Maduro's government. This includes Leopoldo Lopez, who has been languishing in the Ramo Verde prison for almost a year.

In the year since the people took to the streets demanding more opportunity, accountability, and more freedom, the basic necessities have vanished from the shelves. It is one of the richest nations in the hemisphere, and its economy is in shambles.

Venezuela is also plagued with one of the world's highest murder rates, rampant corruption related to state assets, a 57-percent inflation rate, a junk rating on the global bond market, and unprecedented scarcity of goods as basic as toilet paper. Lately, things have gotten so bad in Venezuela under Maduro that they are no longer just kidnapping people. As the Diario las Americas, which is a newspaper in Miami, reported earlier this week, people are now kidnapping dogs and other pets in Venezuela and holding them for ransom. That is how bad things have gotten.

Why is this happening? Why has the cradle of Latin American independence—a country blessed with oil and energy wealth, with talented and hard-working people—become a failed state?

For starters, because it is modeling its economy after Cuba, which itself is a failed state.

Second, for years Venezuela has been in the grips of incompetent buffoons, one after another. First it was Hugo Chavez and now Nicolas Maduro. They have squandered the nation's riches.

Third, the country is being run by corrupt individuals. Just last week reports came out alleging that the speaker of the national assembly, Diosdado Cabello, is himself a drug kingpin.

Fourth, even with all the oil wealth Venezuela has squandered, it still possesses some of the largest oil reserves on the planet, but oil prices are dropping. In a country such as Venezuela where innovation and entrepreneurship are stifled, where wealth and power are concentrated in the government and its cronies, the entire economy is the oil industry. Ninety-six percent of Venezuela's export revenues come from oil.

So I am proud that in December the Senate and the House passed and the President signed a bill that sanctions human rights violators in Venezuela. It mandates that their assets be frozen and visa restrictions be placed upon them if they are involved in human rights violations. That is going to be critical going forward. As things get worse, more people in Venezuela will take to the streets, and the national guard in the country—which is nothing but armed thugs working on behalf of the Maduro government—will be tempted to crack down on people violently. So our legislation would impose visa sanctions and asset sanctions on individuals responsible for these human rights violations.

The good news is that the President has moved forward with some of these visa restrictions, and that is a very positive step. America should not be and cannot be a playground for Venezuela's human rights violators. But the financial sanctions part of the bill are long overdue. They are urgently needed because things are only going to get worse in Venezuela. People are only going to get more desperate. They are only going to speak out more. They are only going to demand freedom more. And I suspect, although I hope I am wrong, that the response from the Venezuelan Government will be more violence and more crackdowns on the people of their own nation.

If, God forbid, they use lethal force against their own people—which is a right they have reserved for themselves, a right the government has approved and has given authority to the national guard to use—we cannot simply stand by and watch as innocent people are killed or injured because the regime believes there will be no consequences.

So today I wanted to come here for a few moments and urge the President to do what I asked him to do in a letter last week, and that is to not sit idly by on the Venezuelan sanction law he signed last year but to use it—to use it immediately and decisively to make clear that the United States of America will not stand for repression taking place in Venezuela and that we will use the tools of our economy and the power we have given the President to punish those responsible for committing human rights violations in Venezuela against the people of that great nation.

Thank you, Mr. President.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to talk about the Department of Homeland Security and the necessity to fund it.

Earlier today the President submitted a document for the authorization of use of military force to the Congress. I take the President's request very seriously. I look forward to the analysis that will be done by the Foreign Relations Committee, the Armed Services Committee, and debate on the floor.

Why did the President send it and why did so many in the Congress call for it? It is because everybody says that we have to do something about ISIL. You know what. I think we do have to do something about ISIL. What a ghoulish, barbaric terrorist group. There is no doubt there has to be an international effort to strike them from the planet and that the United States has to be a part of it.

But what comes out when we talk about ISIL is the need to have a strong, robust counterterrorism effort. If we are going to fight counterterrorism, we must fund the agency that has the principal responsibility for protecting the homeland.

The Department of Defense protects us against foreign invaders, but we have to also protect the homeland—whether it is against cyber security threats or other terrorist activity or other dangers that come to our country.

So why after 2 weeks do we have the Department of Homeland Security appropriations for fiscal year 2015? We are ready to vote on it. We have a clean bill. I am speaking now as the ranking or vice chair of the Senate Appropriations Committee. During fiscal year 2014, I chaired the committee. At the end of the year, when we worked on our omnibus, it was the will of the Congress that we would fund all government agencies except Homeland Security and instead put it on a continuing resolution until February 27 because there were those in both Houses who were cranky about the fact that President Obama exercised Executive authority in certain matters related to immigration.

So now we are holding up the entire funding for the Department of Homeland Security because some people are cranky with President Obama over him using an Executive order on immigration. These very people who are so cranky are criticizing him for being a weak leader. Oh, where is President Obama? Why doesn't he take strong and decisive action? When the President takes strong and decisive action, they not only don't like it, they are willing to hold up the entire funding for the Department of Homeland Security over this. What is this? Do we have a new math where 1 and 1 makes 14 or 5?

We created the Department of Homeland Security after the horrific attack of 9/11, and they need to be funded.

I am here to urge that we pass a clean funding bill to protect the Nation from terrorism, cyber security threats which are mounting every day, and so we can also help our communities respond to other threats.

I believe immigration does deserve a debate. I am not arguing about that, nor would I ever want to stifle a Senator's ability to speak on topics where they have strong beliefs and deeply held views, but let's move immigration to a different forum to talk about it.

In the last Congress the Senate passed a comprehensive immigration bill. It went to the House, and it sat there. Gee, it sat there. After a while it kind of sat there some more, and then it died as that session came to an end.

The President, frustrated that the House of Representatives refused to take up a bill and debate it through its committees and on the floor, acted through Executive order.

So my view is let's bring up immigration, let's move our comprehensive bill again with a full and ample debate, full and ample amendments. Maybe the House will finally get around to talking about immigration instead of talking about President Obama, and then we can pass the Homeland Security bill.

Three times last week the Senate rejected a procedural vote to take up Homeland Security. People can ask: Senator BARB, why did you do that? I voted not to delay but to move on. We Senate Democrats tried to move a clean Homeland Security funding bill. What does that mean? We focused only on the money. We said we did not want to have the five poison pill immigration riders that are in the House bill. We wanted to be able to take that out.

The President has been very clear. If we send him a bill that includes funding plus five poison pill riders on immigration, he will veto it. What is the consequence? We become a public spectacle in the world's eyes. We play parliamentary ping-pong with the President of the United States. We pass a bill because we want to have a temper tantrum. He vetoes it. It comes back. We have another debate where we huff and puff and hope problems will go away. We then try to override a veto and all the while we are eating up time.

The world is watching us. Our treasured allies are not the only ones asking about what is going on with the United States and how the greatest deliberative body has become the greatest delaying body. Our enemies say we can't get our act together internally to pass the very money to take them on, so they are going to try to bring it to us.

In the end, when all is said and done, more is getting said than done. Before we go out for the Presidents Day recess, I urge the Senate to pass this bill.

Tomorrow we are going to vote to confirm the Secretary of Defense, Dr. Ashton Carter. He has gone through the process and was reported out of committee. I look forward to voting for him.

Why are we going to move so fast to confirm Dr. Carter? Because we need a Secretary of Defense. We have to fight for America. We have to stand up for America. We have to be muscular and ready to deal with those bad guys. I agree with that.

I salute our military every day and in every way. They are out there on the frontlines, and their families are there to lovingly support them.

We are going to have a Secretary of Defense. Let's not forget we also have a Secretary of Homeland Security, Mr. Jeh Johnson. Instead of America having deep pockets to fight terrorism, the Secretary of Homeland Security will have empty pockets.

What is this? We are going to rush to confirm Dr. Carter, and I think we ought to. There is no dispute from me on that. Shouldn't we also rush to complete our work and fund Homeland Security? I think we should. We could do it tomorrow. We could do it tomorrow and pass this clean bill.

The Department of Homeland Security's mission is to protect America from terrorism and help communities respond to all threats, from terrorism to natural disasters. We are talking about the TSA, which protects our airports. We are talking about the Border Patrol and ICE, so if we are talking about immigration, don't we want to fund the agents out there protecting our borders? Don't we want to continue to have cyber warriors securing our networks? We need to support the people who are dealing with bio and nuclear threats. We need to also continue supporting State and local first responders, firefighters, and EMS personnel in the different States so they can be ready—whether they are responding to a local disaster or something that has been caused by a despicable attack. We need to be able to pass this bill.

The Department of Homeland Security funding runs out on February 27, and my view is that instead of running the clock we should move this bill. I believe it could pass tomorrow and that we could get our job done. But, no, we are all going to go back to our home States and tell everybody how they have a government on their side and how they can count on us to fight for America. But the way to fight for America is to stop fighting with each other.

Let's try to find a sensible Senator and move this bill forward. I believe people on both sides of the aisle are patriots. I believe people on both sides of the aisle want to defend America. Let's come together on both sides of the aisle, right down the middle, and let's find a way to move this bill forward and have a debate on immigration. I don't want to stifle or stiff-arm it, but let's move this forward, and let's stand shoulder to shoulder doing our job to fund the agency that has the principal responsibility for protecting the homeland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. FLAKE. Mr. President, I am here to also talk about the DHS funding bill. I will say from the outset that I don't think the President did the right thing by taking this unilateral action. I think he has made it more difficult to pass immigration reform in this body.

Having said that, to attempt to use the spending bill in order to try to poke a finger in the President's eye, in my view, is not a good move. I believe that rather than poke the President in the eye, we ought to put legislation on his desk, and we ought to use this time—we have already used up 2 weeks trying to attach measures to a funding bill when we could have used this time to move actual immigration legislation.

Coming from the State of Arizona, we desperately need immigration reform. We desperately need to have more resources and better security on our border. We have needed that for a long time. We have had situations where part of the border gets better and then falls back. As soon as the economy ramps up again, we can expect a lot more flow across the border. We don't have sufficient border security in the State, and Arizonans pay the price in terms of the cost of health care, education, criminal justice. We bear the brunt of the Federal Government's failure to have a secure border and to provide for a secure border.

We need to pass that kind of legislation. There has been a bill that has been introduced in the House and the Senate. I happen to be a cosponsor of the bill in the Senate which would help us to get a more secure border. That is one piece of legislation we could be moving right now so it could be put on the President's desk.

Second, we all know we need better interior enforcement. We need to make sure employers who employ illegal aliens are not able to do so. We need to make sure employers have the tools to find out if those they are hiring are here legally. That has been needed for a long time. It has been provided in other pieces of legislation. We could do a bill just on interior enforcement. We could be doing that now rather than simply making a statement on a spending bill.

We also need legislation to expand the guest worker plans and programs we have now. There has been legislation introduced in this body already to deal with high-tech workers. We need to make sure those who are educated in our universities and receive graduate degrees in the STEM fields are encouraged to stay. They ought to be encouraged to stay to help create jobs in this country rather than returning to their home country and competing against us. That has been needed, and that is recognized on a bipartisan basis. We could move legislation right now with regard to high-tech visas.

We also need to expand other visa categories. We need an ag worker bill to make sure areas where we simply don't have enough labor to deal with the needs we have on our farms—we need to pass legislation to do that. Legislation has been introduced and could be moved through now. We could be doing that.

We also obviously need to move legislation to deal with those who are here illegally now—the so-called DREAMers. They are here through no fault of their own. They were brought to this country when they were 2, 10 or 12 years, and they are now as American as you or I. They ought to be given a path where they can stay and have some kind of certainty moving ahead, but that needs to be done by Congress. It cannot simply be done by the President in Executive action. That kind of legislation could move here now as well.

We obviously need to deal with legislation for the broader class of those here illegally. We dealt with it in S. 744, which was introduced and passed in the Senate in the last Congress. It provided a way for those who are here illegally to get right with the law and to deport those who are in a criminal class but also allow those who are here and want to adjust their status to find a way to do so and to be able to stay.

Legislation such as that could move as well but instead we are spending weeks trying to make a statement on a spending bill.

So I hope we will actually do what this Senate is prepared to do and is ready to do again, which is actually to legislate—to move legislation through the committee process to the floor and on to the President's desk. That is how we ought to respond to the action the President has taken. I hope we will do so.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. WARREN. Mr. President, over the last two weeks Republicans in Congress have insisted on playing political games with funding for the Department of Homeland Security. The same agency that supports States such as Massachusetts when disasters hit, the same agency that provides grants for equipment to keep firefighters safe when they rush into burning buildings, the same agency that helps train and fund local police, the same agency that tracks down weapons that terrorists can use to threaten our safety here at home, the same agency that keeps our borders and airports safe—this is the agency the Republicans are willing to shut down. Why? Why put America at such risk? Because Republicans want to protest the steps President Obama has taken to try to address our country's immigration challenges.

This is not a responsible way to govern. This is a dangerous way to govern. There are real threats out there, from ISIS in the Middle East to cyber threats, to acts of terror such as the one in Paris earlier this year.

DHS gives funding to State and local governments to help them prevent terror attacks. Massachusetts received over $30 million in these grants just last year alone. If DHS shuts down, that funding dries up, leaving our firefighters, our police, and our EMTs hanging, putting the safety of every American at risk.

Think about the Customs and Border Protection agents, who screen people traveling into the United States through our airports, and the men and women of the Coast Guard who patrol our waters. They will still have to work those tough, sometimes dangerous jobs, but if the Republicans shut down the Department of Homeland Security, these people just won't get paid. Tens of thousands of workers nationwide could be working to help keep us safe and not get a paycheck to cover their groceries and rent. That is no way to treat the people who protect this country.

The solution is simple. Last year Democrats and Republicans agreed on a bipartisan bill to fund the Department of Homeland Security. That bill was ready to go until the Republicans decided they wanted to play politics. They decided to hold the Department of Homeland Security hostage to try to force the President to reverse an Executive order on immigration. That Department of Homeland Security funding bill is still ready to go. We could vote on it today and be done with all of this. Everyone who works to protect our safety would keep on working and keep on getting paid.

A few days ago the Boston Globe wrote an editorial about this, and they said:

> The game of political chicken has to end with the Republicans blinking. It's one thing to disagree with a President's executive actions, but it's another thing altogether to hold crucial funding for a wide range of security programs hostage.

I couldn't agree more.

I ask unanimous consent that the full text of the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, Feb. 7, 2015]

GOP SHOULD FOCUS ON FIXING IMMIGRATION, NOT COMPROMISING SECURITY

(Editorial)

In the latest political show vote on Capitol Hill, Republicans are protesting President Obama's executive orders on immigration, enacted in November, by trying to attach language undoing them to a bill that funds the Department of Homeland Security. The attempt is going nowhere: Earlier this week, Democrats in the Senate blocked the bill from reaching Obama's desk. At the same time, the president has vowed to veto any legislation that reverses his immigration measures.

This game of political chicken has to end with the Republicans blinking. It's one thing to disagree with the president's executive actions, but it's another thing altogether to hold crucial funding for a wide range of security programs hostage.

Republicans who believe Obama's executive orders are an abuse of power should instead look for remedy in the courts. If Obama overstepped, the surest way to reverse his orders would be through a judicial ruling. Meanwhile, Congress should pass a ''clean'' Homeland Security funding bill that funds the agency without the immigration language.

Obama enacted the executive orders only after the House refused to vote on a Senate-passed bill that would have overhauled our current immigration system. In retaliation, the GOP decided to attack the president's orders at the funding source: DHS. The Republican bill included so-called ''poison pill'' amendments that prevent the use of DHS funds or fees to enforce Obama's executive actions, which will benefit about 4 million undocumented immigrants by shielding them from deportation while also allowing them to apply for work permits. The amendments also prevent the use of any funds to continue implementing a 2012 order that protected some undocumented immigrants who came to the United States as children.

Along with some Republicans who voted against the bill in the House and the Senate, three former secretaries of Homeland Security have also urged the GOP to stop using the agency's budget as a political weapon. Republicans Tom Ridge and Michael Chertoff, and Democrat Janet Napolitano, wrote to Republican leadership: ''DHS's responsibilities are much broader than its responsibility to oversee the federal immigration agencies and to protect our borders . . . Funding for the entire agency should not be put in jeopardy by the debate about immigration.'' They called for a clean funding bill for the rest of the year, like the one Maryland Senator Barbara Mikulski and New Hampshire Senator Jeanne Shaheen filed last week.

Obama has said he would be happy to see Congress pass a law that would make his executive orders unnecessary. Republicans, instead of engaging in quixotic budget tactics, should get to work on a new immigration bill and stop compromising national security.

Ms. WARREN. Let's be clear. If Republicans in the Senate don't change course, they will shut down the Department of Homeland Security and compromise the safety of the American people, and they will have done it because a handful of extremists in the Republican Party are angry at the President because he is trying to fix what we all know is a broken immigration system. Well, if they are angry about the President's immigration policy, let's debate the President's immigration policy. Last Congress the Senate passed a bipartisan bill to address immigration. Let's debate that bill again. Or if they want to propose a new bill, let's vote on that. But don't play games with the safety of the American people.

The way forward is clear. We need to pass a bill to fund the Department of Homeland Security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRRIGATE ACT

Mr. BARRASSO. Mr. President. I wish to discuss legislation I introduced yesterday that would help Native American irrigators, ranchers, farmers, and families fully utilize the irrigation systems in Indian Country. The bill, S. 438, is entitled the Irrigation Rehabilitation and Renovation for Indian Tribal Governments and Their Economies Act, or the IRRIGATE Act.

I thank my colleagues who have joined me as co-sponsors of this legislation, including Senators TESTER, HATCH, ENZI, DAINES and BENNET.

Careful management of water in Indian communities is essential if we are to ensure a reliable supply in the future. Many ranchers and farmers, both Indian and non-Indian, still depend on the Bureau of Indian Affairs, BIA, to deliver water for their needs.

The Department of the Interior initiated several Indian irrigation projects in the late 1800s and early 1900s intended as a central component of tribal economies. In most cases, the Federal Government did not even complete these projects. In 2006, the Government Accountability Office released a report on Indian irrigation projects, which highlighted the inefficiencies of the operation, maintenance, and management by the BIA.

While the BIA has indicated that the current backlog is estimated to be in excess of $560 million, some Indian tribes estimate that this backlog estimate may be even higher. The most recent information from the BIA clearly reflects an upward trend in the costs of these systems, growing from $549 million to in excess of $560 million in only one-quarter year alone.

Deferred maintenance means inefficient water delivery and damaged infrastructure. For the Wind River Indian Reservation in Wyoming, these issues are perpetual problems. Tribal economies depend on these water systems—and the BIA has an obligation to repair those irrigation systems.

The bill intends to bring the BIA irrigation systems into the 21st century. The bill would authorize $35 million each year from FY 2015 to 2036, to address the deferred maintenance needs of certain BIA irrigation projects. This includes any structures, facilities, equipment, or vehicles used in connection with the projects. The bill would also require a longer-term study on the operations of these projects.

This bipartisan bill is supported by many Indian tribes. I urge my colleagues to support this legislation.

REMEMBERING DEAN SMITH

Mr. BURR. Mr. President, I wish to commemorate and celebrate the life of Coach Dean Smith. Dean Smith's accomplishments as coach, mentor, and teacher made him a legend in our State, and far beyond Tobacco Road. Brooke and I were deeply saddened to hear of his passing, but he left his indelible mark on our State. Under his stewardship, UNC-Chapel Hill became the formidable college basketball powerhouse that it is today. While he was a winning coach, he also encouraged his players to excel in the classroom and taught well beyond the locker room.

Coach Smith was born in Emporia, KS, in 1931. The son of public school teachers, his lifelong dedication to teaching on and off the court was instilled in him from a young age. Dean was a high school athlete playing basketball, football, and baseball. He earned an academic scholarship to the University of Kansas. While at Kansas he played basketball and was a member of the 1952 national championship team. He began his coaching career there in 1953 as an assistant coach.

Dean Smith then served his country in the U.S. Air Force. In 1958 he was asked to serve as assistant coach for the University of North Carolina at Chapel Hill. Three years later he would become the head coach for UNC. His first season as head coach was his only losing season in his 36 year coaching career.

His early days as coach were not always so smooth. In 1965, the UNC fans hung him in effigy after a loss to my alma mater, Wake Forest University. But, soon enough, he enjoyed tremendous success as a coach. He is considered one of the greatest to ever coach the game. His accomplishments are too many to list. Some of his most memorable feats include 2 national championship titles, 11 final four appearances, 17 regular season ACC titles, 13 ACC tournament titles, 27 NCAA tournament appearances with 23 of those being consecutive. He was the National Coach of the Year four times. Dean had 879 wins in his 36-year coaching career making him one of the winningest coaches of all time. Five of his players went on to be Rookies of the Year in the NBA or ABA. He coached Team USA to gold in the 1976 Olympics. Legendary UCLA coach John Wooden once said ''Dean is the best teacher of basketball that I have observed.'' His philosophy known as the ''Carolina Way'' still rings true today. Play Hard, Play Together, Play Smart.

Coach Smith's influence extended far beyond the basketball court. He was a champion for social justice. He was the first UNC coach to offer a scholarship to an African-American player. He encouraged many local businesses to desegregate during the 1960s. He served as a mentor to his players and always taught them that education came first. During his career over 95 percent of his players received their degrees. His former players remember the fact that Coach Smith not only taught them about basketball, he taught them about life.

Throughout his career, he was a fierce competitor but was always respected by his opponents. There was never a hint of scandal about how he recruited players or how he ran his program. He was a pioneer in the art of assembling a long-term winning basketball tradition. Basketball, UNC and all of North Carolina have lost a giant with his passing.

I extend my sympathy to his wife Linnea and to all of Coach Smith's family.

LEGISLATIVE PROPOSAL TO AUTHORIZE THE LIMITED USE OF THE UNITED STATES ARMED FORCES AGAINST THE ISLAMIC STATE OF IRAQ AND THE LEVANT (ISIL)—PM 5

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

The so-called Islamic State of Iraq and the Levant (ISIL) poses a threat to the people and stability of Iraq, Syria, and the broader Middle East, and to U.S. national security. It threatens American personnel and facilities located in the region and is responsible for the deaths of U.S. citizens James Foley, Steven Sotloff, Abdul-Rahman Peter Kassig, and Kayla Mueller. If left unchecked, ISIL will pose a threat beyond the Middle East, including to the United States homeland.

I have directed a comprehensive and sustained strategy to degrade and defeat ISIL. As part of this strategy, U.S. military forces are conducting a systematic campaign of airstrikes against ISIL in Iraq and Syria. Although existing statutes provide me with the authority I need to take these actions, I have repeatedly expressed my commitment to working with the Congress to pass a bipartisan authorization for the use of military force (AUMF) against ISIL. Consistent with this commitment, I am submitting a draft AUMF that would authorize the continued use of military force to degrade and defeat ISIL.

My Administration's draft AUMF would not authorize long-term, large-scale ground combat operations like those our Nation conducted in Iraq and Afghanistan. Local forces, rather than U.S. military forces, should be deployed to conduct such operations. The authorization I propose would provide the flexibility to conduct ground combat operations in other, more limited circumstances, such as rescue operations involving U.S. or coalition personnel or the use of special operations forces to take military action against ISIL leadership. It would also authorize the use of U.S. forces in situations where ground combat operations are not expected or intended, such as intelligence collection and sharing, missions to enable kinetic strikes, or the provision of operational planning and other forms of advice and assistance to partner forces.

Although my proposed AUMF does not address the 2001 AUMF, I remain committed to working with the Congress and the American people to refine, and ultimately repeal, the 2001 AUMF. Enacting an AUMF that is specific to the threat posed by ISIL could serve as a model for how we can work together to tailor the authorities granted by the 2001 AUMF.

I can think of no better way for the Congress to join me in supporting our Nation's security than by enacting this legislation, which would show the world we are united in our resolve to counter the threat posed by ISIL.

BARACK OBAMA.

THE WHITE HOUSE, *February 11, 2015.*

MESSAGE FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the

following bills, in which it requests the concurrence of the Senate:

H.R. 710. An act to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes.

H.R. 719. An act to require the Transportation Security Administration to conform to existing Federal law and regulations regarding criminal investigator positions, and for other purposes.

H.R. 720. An act to improve intergovernmental planning for and communication during security incidents at domestic airports, and for other purposes.

H.R. 810. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

The message further announced the House has agreed the following resolution:

H. Res. 99. Resolution relative to the death of the Honorable Alan Nunnelee, a Representative from the State of Mississippi.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 710. An act to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 810. An act to authorize the programs of the National Aeronautics and Space Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. BOXER (for herself, Mrs. SHAHEEN, Mr. SCHATZ, and Mrs. GILLIBRAND):

S. 446. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. WHITEHOUSE, and Mrs. MURRAY):

S. 447. A bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity; to the Committee on the Judiciary.

By Mr. MORAN (for himself and Mr. BLUMENTHAL):

S. 448. A bill to provide for coordination between the TRICARE program and eligibility for making contributions to a health savings account, and for other purposes; to the Committee on Finance.

By Mr. PORTMAN:

S. 449. A bill to reduce recidivism and increase public safety; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. REED, and Mr. BROWN):

S. 450. A bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes; to the Committee on Finance.

By Ms. BALDWIN (for herself, Mrs. MURRAY, and Mr. KING):

S. 451. A bill to award grants to encourage State educational agencies, local educational agencies, and schools to utilize technology to improve student achievement and college and career readiness, the skills of teachers and school leaders, and the efficiency and productivity of education systems at all levels; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. PORTMAN, Mr. HATCH, Mr. ROBERTS, Mr. RUBIO, Mr. WICKER, Mr. MCCONNELL, Mr. SESSIONS, Mr. COTTON, Mr. BOOZMAN, Mr. TILLIS, Mr. THUNE, Mr. CRUZ, Mr. VITTER, Mrs. CAPITO, Mr. ROUNDS, and Mr. CORNYN):

S. 452. A bill to provide lethal weapons to the Government of Ukraine in order to defend itself against Russian-backed rebel separatists in eastern Ukraine; to the Committee on Foreign Relations.

By Mr. CASSIDY:

S. 453. A bill to amend the Public Health Service Act to provide grants to States to streamline State requirements and procedures for veterans with military emergency medical training to become civilian emergency medical technicians; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALEXANDER (for himself and Ms. BALDWIN):

S. 454. A bill to amend the Department of Energy High-End Computing Revitalization Act of 2004 to improve the high-end computing research and development program of the Department of Energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. COONS, and Mr. SCHUMER):

S. 455. A bill to amend the Internal Revenue Code of 1986 to provide for special treatment of the research credit for certain startup companies, and for other purposes; to the Committee on Finance.

By Mr. CARPER:

S. 456. A bill to codify mechanisms for enabling cybersecurity threat indicator sharing between private and government entities, as well as among private entities, to better protect information systems; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PAUL (for himself and Mr. REID):

S. 457. A bill to secure the Federal voting rights of non-violent persons when released from incarceration; to the Committee on the Judiciary.

By Mr. CORNYN:

S. 458. A bill to provide emergency funding for port of entry personnel and infrastructure, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BOOZMAN:

S. 459. A bill to require the Secretary of Health and Human Services to approve waivers under the Medicaid Program under title XIX of the Social Security Act that are related to State provider taxes that exempt certain retirement communities; to the Committee on Finance.

By Mr. PORTMAN (for himself and Mr. BROWN):

S. 460. A bill to amend the Safe Drinking Water Act to provide for the assessment and management of the risk of algal toxins in drinking water, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 461. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BROWN (for himself and Mr. PORTMAN):

S. 462. A bill to direct the Administrator of the Environmental Protection Agency to publish a health advisory and submit reports with respect to microcystins in drinking water; to the Committee on Environment and Public Works.

By Mr. FLAKE (for himself and Mrs. SHAHEEN):

S. 463. A bill to amend the Federal Crop Insurance Act to prohibit the paying of premium subsidies on policies based on the actual market price of an agricultural commodity at the time of harvest; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. HIRONO (for herself, Mr. SCHATZ, and Ms. MURKOWSKI):

S. 464. A bill to amend the Elementary and Secondary Education Act of 1965 regarding Native Hawaiian education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KAINE (for himself and Mr. WARNER):

S. 465. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Ms. STABENOW (for herself, Mr. GRASSLEY, Mrs. BOXER, Mr. CASEY, Mr. HEINRICH, Mr. REED, and Mr. SCHUMER):

S. 466. A bill to amend title XI of the Social Security Act to improve the quality, health outcomes, and value of maternity care under the Medicaid and CHIP programs by developing maternity care quality measures and supporting maternity care quality collaboratives; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. LEE, Mr. BLUMENTHAL, Mr. HATCH, Mr. COONS, and Mr. GRAHAM):

S. 467. A bill to reduce recidivism and increase public safety, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 468. A bill to provide a categorical exclusion under the National Environmental Policy Act of 1969 to allow the Director of the Bureau of Land Management and the Chief of the Forest Service to remove Pinyon-Juniper trees to conserve and restore the habitat of the greater sage-grouse and the mule deer; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. TESTER, Ms. BALDWIN, Mr. SANDERS, and Mr. BENNET):

S. 469. A bill to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to severely wounded, ill, or injured members of the Armed Forces, veterans, and their spouses or partners, and for other purposes; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. BARRASSO, the name of the Senator from Virginia (Mr.

WARNER) was added as a cosponsor of S. 33, a bill to provide certainty with respect to the timing of Department of Energy decisions to approve or deny applications to export natural gas, and for other purposes.

S. 36

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 36, a bill to address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.

S. 48

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 48, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 50

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 50, a bill to amend the Public Health Service Act to prohibit certain abortion-related discrimination in governmental activities.

S. 51

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 51, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions, and for other purposes.

S. 83

At the request of Mr. HELLER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 83, a bill to amend the Fair Labor Standards Act of 1938 to improve nonretaliation provisions relating to equal pay requirements.

S. 125

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Mr. CARDIN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 125, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2020, and for other purposes.

S. 295

At the request of Mr. HATCH, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 295, a bill to amend section 2259 of title 18, United States Code, and for other purposes.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 295, supra.

S. 299

At the request of Mr. FLAKE, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 299, a bill to allow travel between the United States and Cuba.

S. 301

At the request of Mrs. FISCHER, the names of the Senator from Hawaii (Mr. SCHATZ), the Senator from Kansas (Mr. ROBERTS), the Senator from Virginia (Mr. WARNER), the Senator from Georgia (Mr. ISAKSON), the Senator from Kansas (Mr. MORAN) and the Senator from Massachusetts (Mr. MARKEY) were added as cosponsors of S. 301, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of Boys Town, and for other purposes.

S. 308

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 308, a bill to reauthorize 21st century community learning centers, and for other purposes.

S. 337

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 337, a bill to improve the Freedom of Information Act.

S. 373

At the request of Mr. THUNE, the names of the Senator from West Virginia (Mr. MANCHIN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 373, a bill to provide for the establishment of nationally uniform and environmentally sound standards governing discharges incidental to the normal operation of a vessel.

S. 409

At the request of Mr. BURR, the names of the Senator from Florida (Mr. RUBIO) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 409, a bill to amend the Sex Offender Registration and Notification Act to require the Secretary of Defense to inform the Attorney General of persons required to register as sex offenders.

S. 423

At the request of Ms. HEITKAMP, the names of the Senator from Maine (Mr. KING), the Senator from Minnesota (Mr. FRANKEN), the Senator from South Dakota (Mr. ROUNDS) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 423, a bill to amend the Gramm-Leach-Bliley Act to provide an exception to the annual written privacy notice requirement.

S. 438

At the request of Mr. BARRASSO, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 438, a bill to provide for the repair, replacement, and maintenance of certain Indian irrigation projects.

S. 439

At the request of Mr. FRANKEN, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 441

At the request of Mr. NELSON, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 441, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S.J. RES. 8

At the request of Mr. ALEXANDER, the names of the Senator from Utah (Mr. LEE), the Senator from Idaho (Mr. CRAPO) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S.J. Res. 8, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the National Labor Relations Board relating to representation case procedures.

S. RES. 26

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 26, a resolution commending Pope Francis for his leadership in helping to secure the release of Alan Gross and for working with the Governments of the United States and Cuba to achieve a more positive relationship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mr. REED, and Mr. BROWN):

S. 450. A bill to amend the Internal Revenue Code of 1986 to provide tax rate parity among all tobacco products, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tobacco Tax Equity Act of 2015''.

SEC. 2. ESTABLISHING EXCISE TAX EQUITY AMONG ALL TOBACCO PRODUCT TAX RATES.

(a) TAX PARITY FOR PIPE TOBACCO AND ROLL-YOUR-OWN TOBACCO.—Section 5701(f) of the Internal Revenue Code of 1986 is amended by striking ''$2.8311 cents'' and inserting ''$24.78''.

(b) TAX PARITY FOR SMOKELESS TOBACCO.—

(1) Section 5701(e) of the Internal Revenue Code of 1986 is amended—

(A) in paragraph (1), by striking ''$1.51'' and inserting ''$13.42'';

(B) in paragraph (2), by striking ''50.33 cents'' and inserting ''$5.37''; and

(C) by adding at the end the following:

''(3) SMOKELESS TOBACCO SOLD IN DISCRETE SINGLE-USE UNITS.—On discrete single-use units, $50.33 per thousand.''.

(2) Section 5702(m) of such Code is amended—

(A) in paragraph (1), by striking ''or chewing tobacco'' and inserting '', chewing tobacco, or discrete single-use unit'';

(B) in paragraphs (2) and (3), by inserting ''that is not a discrete single-use unit'' before the period in each such paragraph;

(C) by adding at the end the following:

''(4) DISCRETE SINGLE-USE UNIT.—The term 'discrete single-use unit' means any product containing tobacco that—

''(A) is not intended to be smoked; and

''(B) is in the form of a lozenge, tablet, pill, pouch, dissolvable strip, or other discrete single-use or single-dose unit.''.

(c) TAX PARITY FOR LARGE CIGARS.—

(1) IN GENERAL.—Paragraph (2) of section 5701(a) of the Internal Revenue Code of 1986 is amended by striking ''52.75 percent'' and all that follows through the period and inserting the following: ''$24.78 per pound and a proportionate tax at the like rate on all fractional parts of a pound but not less than 5.033 cents per cigar.''.

(2) GUIDANCE.—The Secretary may issue guidance regarding the appropriate method for determining the weight of large cigars for purposes of calculating the applicable tax under section 5701(a)(2) of the Internal Revenue Code of 1986.

(d) TAX PARITY FOR ROLL-YOUR-OWN TOBACCO AND CERTAIN PROCESSED TOBACCO.—Subsection (o) of section 5702 of the Internal Revenue Code of 1986 is amended by inserting '', and includes processed tobacco that is removed for delivery or delivered to a person other than a person with a permit provided under section 5713, but does not include removals of processed tobacco for exportation'' after ''wrappers thereof''.

(e) CLARIFYING TAX RATE FOR OTHER TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5701 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(i) OTHER TOBACCO PRODUCTS.—Any product not otherwise described under this section that has been determined to be a tobacco product by the Food and Drug Administration through its authorities under the Family Smoking Prevention and Tobacco Control Act shall be taxed at a level of tax equivalent to the tax rate for cigarettes on an estimated per use basis as determined by the Secretary.''.

(2) ESTABLISHING PER USE BASIS.—For purposes of section 5701(i) of the Internal Revenue Code of 1986, not later than 12 months after the date that a product has been determined to be a tobacco product by the Food and Drug Administration, the Secretary of the Treasury (or the Secretary of the Treasury's delegate) shall issue final regulations establishing the level of tax for such product that is equivalent to the tax rate for cigarettes on an estimated per use basis.

(f) CLARIFYING DEFINITION OF TOBACCO PRODUCTS.—

(1) IN GENERAL.—Subsection (c) of section 5702 of the Internal Revenue Code of 1986 is amended to read as follows:

''(c) TOBACCO PRODUCTS.—The term 'tobacco products' means—

''(1) cigars, cigarettes, smokeless tobacco, pipe tobacco, and roll-your-own tobacco, and

''(2) any other product subject to tax pursuant to section 5701(i).''.

(2) CONFORMING AMENDMENTS.—Subsection (d) of section 5702 of such Code is amended by striking ''cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco'' each place it appears and inserting ''tobacco products''.

(g) TAX RATES ADJUSTED FOR INFLATION.—Section 5701 of such Code is amended by adding at the end the following new subsection:

''(i) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any calendar year beginning after 2015, the dollar amounts provided under this chapter shall each be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2014' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $0.01, such amount shall be rounded to the next highest multiple of $0.01.''.

(h) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraphs (2) through (4), the amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the last day of the month which includes the date of the enactment of this Act.

(2) DISCRETE SINGLE-USE UNITS AND PROCESSED TOBACCO.—The amendments made by subsections (b)(1)(C), (b)(2), and (d) shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after the date that is 6 months after the date of the enactment of this Act.

(3) LARGE CIGARS.—The amendments made by subsection (c) shall apply to articles removed after December 31, 2015.

(4) OTHER TOBACCO PRODUCTS.—The amendments made by subsection (e)(1) shall apply to products removed after the last day of the month which includes the date that the Secretary of the Treasury (or the Secretary of the Treasury's delegate) issues final regulations establishing the level of tax for such product.

By Mr. INHOFE (for himself, Mr. PORTMAN, Mr. HATCH, Mr. ROBERTS, Mr. RUBIO, Mr. WICKER, Mr. MCCONNELL, Mr. SESSIONS, Mr. COTTON, Mr. BOOZMAN, Mr. TILLIS, Mr. THUNE, Mr. CRUZ, Mr. VITTER, Mrs. CAPITO, Mr. ROUNDS, and Mr. CORNYN):

S. 452. A bill to provide lethal weapons to the Government of Ukraine in order to defend itself against Russian-backed rebel separatists in eastern Ukraine; to the Committee on Foreign Relations.

Mr. INHOFE. Mr. President, I am introducing a bill today because there is something going on that people are not as aware of as they should be.

We don't have a better friend than King Abdullah in Jordan. I have been pleased to get to know him as a personal friend as well as a friend of America. I was over there with him last October. We were on the Syrian border looking at all the things that are going on right now with ISIL and ISIS, and it has been a real tragedy.

Last week King Abdullah was in the United States for the National Prayer Breakfast. While he was here, there were several of us who were with him when he got the news that his friend and relative, an F–16 pilot, had been caged, soaked with gasoline, and burned alive.

America and the whole world saw what happened and asked: What kind of monsters are these people who are doing this over there? They are beheading children and pregnant women and burning people alive. Yet this is going on. People have to understand this.

They do understand it in terms of ISIS. But what I want to share with you, and introduce legislation to correct, is that it is not just happening there, it is also happening in Ukraine right now.

I happened to be in Ukraine in late October of this year. I went over there because they were having their parliamentary elections at the time. Ukraine has been such a good friend to us—not just Poroshenko, but the rest of the administration that went through the parliamentary election has also been a friend.

Let's keep in mind that the Presidential elections were way back in May. This last election was the parliamentary election, and we were there to see what was happening in the Ukraine.

In the Ukraine they have a constitutional requirement that you cannot have a seat in Parliament unless you have 5 percent of the vote. This is the first time, after the vote when we were there in October, that they had a parliamentary election and not one Communist got a seat in Parliament. This is the first time in 96 years that not one Communist has a seat in the Parliament.

As bad as things are with ISIS, I suggest that what is going on—and I only preface what I am saying so I can demonstrate what a good friend Poroshenko and the leadership of the Ukraine is to the United States. We have the Russians in there with the separatists doing horrible things—things that are just as bad as what is taking place in Syria with ISIS and in other places.

To demonstrate this—it is not a very fun thing to look at, but you have to understand what is happening. These are T–72 tanks. Putin keeps saying: We don't have any Russians in there with the separatists. It is not us. We are not doing it.

Well, here they are. These are the pictures we brought back with us. All those tanks are lined up within Ukraine, and that is clearly what they are.

If you want to see how brutal Putin and everyone else is—it is not something anyone enjoys looking at, but you have to know this is going on. The tragedies that are taking place in Syria and in other parts of the world are also taking place in Ukraine.

This is a picture of the murders and torture that have been taking place there. These people have been disembodied, their heads cut off. These are Ukrainian citizens. They are legal citizens. They are the ones whom Putin and the rest of them are fighting. For that reason, I have introduced legislation to require that the United States offer the weaponry.

By the way, I was making a presentation about this issue and Senator

MCCAIN was there. He said: If you look at all of those tanks, they don't have one piece of equipment that could offer a defense against those tanks. What have we been giving them? We have been giving them MREs and blankets.

When Poroshenko was here in the United States, he made a speech to both Houses. He said that ''one can't win the war with blankets. . . . Even more, we cannot keep the peace with a blanket.'' In other words, we have to share the very best defensive weapons or weapons that can be used offensively with them. They cannot be left naked there when facing this kind of abuse. We know that shortly after the heavily armed Russian soldiers invaded and took control of the Crimean region in February of 2014, the Ukrainian Government and its people faced and sustained a deadly force from heavily armed rebel separatists who were equipped, trained, and supported by the Russian Federation. We have seen pictures of that. This is the first time we have shown pictures that document, No. 1, that the equipment came from Russia and Putin, and, No. 2, the type of things they are doing over there.

We passed a law last year that said we would give defensive weaponry to the Ukrainians, but it fell short because of one thing—it was prescriptive. It said what kind of equipment it would be.

The bill I am introducing today does two things. It offers the equipment we can give them with no restrictions whatsoever, and secondly, it does something else I think is very significant, and that is we require the President to come up with a strategy. People always say: Well, the President doesn't have a strategy against ISIS. It is true he doesn't have one, and it is deplorable that he doesn't have one. He also doesn't have a strategy for Ukraine. Without a strategy, it is not going to work.

Last week we had a hearing in the Senate Armed Services Committee. It was kind of funny because we had people from the past. We had George Shultz, Madeleine Albright, and Henry Kissinger. We were talking about the Ukraine at that time and talked about offering some equipment we thought should go there, and they said: Well, you have to do that, but you can't just send them equipment. You have to specifically demand a strategy. In this bill we are saying to the President of the United States to not only send over equipment but we need to also provide a strategy we can massage as time goes on.

On February 2, 2015, eight of the former senior ranking diplomatic and military officials testified. They included the former U.S. Ambassador to the Ukraine, Steven Pifer; former Under Secretary of Defense Michele Flournoy; former Supreme Allied Commander ADM James Stavridis, and former Deputy Commander to the U.S. Command, Gen. Charles Wald. They all served under both Republican and Democratic administrations. They released a nonpartisan report calling on President Obama to provide Ukraine with lethal weaponry, and this is what we talked about in the bill. They encouraged other NATO countries to do the same, particularly those that possess and used former Soviet equipment and weaponry.

On January 25, when President Obama stated at a news conference in New Delhi, India that the aggression by the rebel separatists in eastern Ukraine had Russian backing, Russian equipment, Russian financing, Russian training, and Russian troops—so he finally agreed. It is not something that is debatable or might be happening; it is something that is happening. You can see the horrible things that are going on there, and you can see the reason it is necessary to get this done.

Some time ago, back when Carl Levin was still here—he is retired, and he did such a great job as the chairman of the Senate Armed Services Committee for so many years when I was the ranking Republican on the Committee on Armed Services. At that time, a year ago in October, we wrote the following in the Washington Post:

We believe that the United States should begin providing defensive weapons that would help Ukraine defend its territory. Such weapons could include anti-tank weapons to defend against Russian-provided armored personnel carriers, ammunition, vehicles and secure communications equipment. This would present no threat to Russia unless its forces launch further aggression against Ukraine. In other words, these weapons are lethal, but not provocative because they are defensive.

That came from Carl Levin and me. This is back before we knew the results of the parliamentary election that was so successful and so complementary to the West.

This has been long overdue. There is no one who disagrees with it, and even the President recognizes they have the equipment and we are not doing the job we should be doing.

So, with that, I am going to introduce S. 452, and we are going to ask for cosponsors to come down and speak on this topic. We have quite a long list of cosponsors.

It doesn't bother me if other Members want to introduce like resolutions because we need to get something passed. We need to raise the visibility so the people of America know this is not just going on in Syria and some of these other countries, but it is also in the country of one of our very best friends worldwide, and that best friend is the Ukraine.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Defense of Ukraine Act of 2015''.

SEC. 2. AUTHORIZATION TO PROVIDE LETHAL WEAPONS TO THE GOVERNMENT OF UKRAINE.

The President is authorized to provide lethal weapons to the Government of Ukraine in order to defend itself against Russian-backed rebel separatists in eastern Ukraine.

SEC. 3. REPORTS TO CONGRESS.

(a) STRATEGY.—Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a written report setting forth a comprehensive strategy of the United States to provide lethal weapons to the Government of Ukraine so that it may effectively defend itself from Russian-back rebel aggression.

(b) IMPLEMENTATION OF STRATEGY.—

(1) REPORTS REQUIRED.—Not later than 90 days after submitting the report required under subsection (a), and every 90 days thereafter, the President shall submit to Congress a written report setting forth a current comprehensive description and assessment of the implementation of the comprehensive strategy set forth in the report required under such subsection.

(2) UPDATES.—If the President makes a substantive change to the comprehensive strategy required under subsection (a), the President shall immediately submit a written report to Congress that articulates the change, the reason for the change, and the effect of the change on the overall comprehensive strategy.

By Mr. CORNYN:

S. 458. A bill to provide emergency funding for port of entry personnel and infrastructure, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 458

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Emergency Port of Entry Personnel and Infrastructure Funding Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the General Services Administration.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) NORTHERN BORDER.—The term ''Northern border'' means the international border between the United States and Canada.

(4) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Environment and Public Works of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on the Judiciary of the House of Representatives; and

(G) the Committee on Transportation and Infrastructure of the House of Representatives.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(6) SOUTHERN BORDER.—The term ''Southern border'' means the international border between the United States and Mexico.

SEC. 3. U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

(a) STAFF ENHANCEMENTS.—

(1) AUTHORIZATION.—In addition to positions authorized before the date of the enactment of this Act and any existing officer vacancies within U.S. Customs and Border Protection on such date, the Secretary, subject to the availability of appropriations for such purpose, shall hire, train, and assign to duty, by not later than September 30, 2020—

(A) 5,000 full-time U.S. Customs and Border Protection officers to serve on all inspection lanes (primary, secondary, incoming, and outgoing) and enforcement teams at United States land ports of entry on the Northern border and the Southern border; and

(B) 350 full-time support staff for all United States ports of entry.

(2) WAIVER OF FTE LIMITATION.—The Secretary may waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security in order to carry out paragraph (1).

(b) REPORTS TO CONGRESS.—

(1) OUTBOUND INSPECTIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the relevant committees of Congress that includes a plan for ensuring the placement of sufficient U.S. Customs and Border Protection officers on outbound inspections, and adequate outbound infrastructure, at all Southern border land ports of entry.

(2) SUFFICIENT AGRICULTURAL SPECIALISTS AND PERSONNEL.—Not later than 90 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Agriculture and the Secretary of Health and Human Services, shall submit a report to the relevant committees of Congress that contains plans for the Department of Homeland Security, the Department of Agriculture, and the Department of Health and Human Services, respectively, for ensuring the placement of sufficient U.S. Customs and Border Protection agriculture specialists, Animal and Plant Health Inspection Service entomologist identifier specialists, Food and Drug Administration consumer safety officers, and other relevant and related personnel at all Southern border land ports of entry.

(3) ANNUAL IMPLEMENTATION REPORT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit a report to the relevant committees of Congress that—

(A) details the Department of Homeland Security's implementation plan for the staff enhancements required under subsection (a)(1)(A);

(B) includes the number of additional personnel assigned to duty at land ports of entry, classified by location;

(C) describes the methodology used to determine the distribution of additional personnel to address northbound and southbound cross-border inspections; and

(D) includes—

(i) the strategic plan required under section 5(a)(1);

(ii) the model required under section 5(b), including the underlying assumptions, factors, and concerns that guide the decision-making and allocation process; and

(iii) the new outcome-based performance measures adopted under section 5(c).

(c) SECURE COMMUNICATION.—The Secretary shall ensure that each U.S. Customs and Border Protection officer is equipped with a secure 2-way communication and satellite-enabled device, supported by system interoperability, that allows U.S. Customs and Border Protection officers to communicate—

(1) between ports of entry and inspection stations; and

(2) with other Federal, State, tribal, and local law enforcement entities.

(d) BORDER AREA SECURITY INITIATIVE GRANT PROGRAM.—The Secretary shall establish a program for awarding grants for the purchase of—

(1) identification and detection equipment; and

(2) mobile, hand-held, 2-way communication devices for State and local law enforcement officers serving on the Southern border.

(e) PORT OF ENTRY INFRASTRUCTURE IMPROVEMENTS.—

(1) IN GENERAL.—The Commissioner may aid in the enforcement of Federal customs, immigration, and agriculture laws by—

(A) designing, constructing, and modifying—

(i) United States ports of entry;

(ii) living quarters for officers, agents, and personnel;

(iii) technology and equipment, including those deployed in support of standardized and automated collection of vehicular travel time; and

(iv) other structures and facilities, including those owned by municipalities, local governments, or private entities located at land ports of entry;

(B) acquiring, by purchase, donation, exchange, or otherwise, land or any interest in land determined to be necessary to carry out the Commissioner's duties under this section; and

(C) constructing additional ports of entry along the Southern border and the Northern border.

(2) PRIORITIZATION.—In selecting improvements under this section, the Commissioner, in coordination with the Administrator shall give priority consideration to projects that will substantially—

(A) reduce commercial and passenger vehicle and pedestrian crossing wait times at 1 or more ports of entry on the same border;

(B) increase trade, travel efficiency, and the projected total annual volume at 1 or more ports of entry on the same border; and

(C) enhance safety and security at border facilities at 1 or more ports of entry on the same border.

(f) CONSULTATION.—

(1) LOCATIONS FOR NEW PORTS OF ENTRY.—The Secretary shall consult with the Secretary of the Interior, the Secretary of Agriculture, the Secretary of State, the International Boundary and Water Commission, the International Joint Commission, and appropriate representatives of States, Indian tribes, local governments, and property owners, as appropriate—

(A) to determine locations for new ports of entry; and

(B) to minimize adverse impacts from such ports on the environment, historic and cultural resources, commerce, and the quality of life of the communities and residents located near such ports.

(2) SAVINGS PROVISION.—Nothing in this subsection may be construed—

(A) to create any right or liability of the parties described in paragraph (1);

(B) to affect the legality or validity of any determination by the Secretary under this Act; or

(C) to affect any consultation requirement under any other law.

(g) AUTHORITY TO ACQUIRE LEASEHOLDS.—Notwithstanding any other provision of law, if the Secretary determines that the acquisition of a leasehold interest in real property and the construction or modification of any facility on the leased property are necessary to facilitate the implementation of this Act, the Secretary may—

(1) acquire such leasehold interest; and

(2) construct or modify such facility.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, for each of the fiscal years 2015 through 2020, $1,000,000,000, of which $5,000,000 shall be used for grants authorized under subsection (d).

(i) OFFSET, RESCISSION OF UNOBLIGATED FEDERAL FUNDS.—

(1) IN GENERAL.—There is hereby rescinded, from appropriated discretionary funds that remain available for obligation on the date of the enactment of this Act (other than the unobligated funds referred to in paragraph (4)), amounts determined by the Director of the Office of Management and Budget that are equal, in the aggregate, to the amount authorized to be appropriated under subsection (h).

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify—

(A) the appropriation accounts from which the rescission under paragraph (1) shall apply; and

(B) the amount of the rescission that shall be applied to each such account.

(3) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to Congress and to the Secretary of the Treasury that describes the accounts and amounts determined and identified under paragraph (2) for rescission under paragraph (1).

(4) EXCEPTIONS.—This subsection shall not apply to unobligated funds of—

(A) the Department of Defense;

(B) the Department of Veterans Affairs; or

(C) the Department of Homeland Security.

SEC. 4. CROSS-BORDER TRADE ENHANCEMENT.

(a) AGREEMENTS AUTHORIZED.—Consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (6 U.S.C. 211 note), during the 10-year period beginning on the date of the enactment of this Act, the Commissioner and the Administrator, for purposes of facilitating the construction, alteration, operation, or maintenance of a new or existing facility or other infrastructure at a port of entry under the jurisdiction, custody, and control of the Commissioner or the Administrator, may—

(1) enter into cost-sharing or reimbursement agreements; or

(2) accept donations of—

(A) real or personal property (including monetary donations); or

(B) nonpersonal services.

(b) ALLOWABLE USES OF AGREEMENTS.—The Commissioner and the Administrator may—

(1) use agreements authorized under subsection (a) for activities related to an existing or new port of entry, including expenses relating to—

(A) land acquisition, design, construction, repair, or alternation;

(B) furniture, fixtures, or equipment;

(C) the deployment of technology or equipment; and

(D) operations and maintenance; or

(2) transfer such property or services between the Commissioner and the Administrator for activities described in paragraph (1) relating to a new or existing port of entry under the jurisdiction, custody, and control of the relevant agency, subject to chapter 33 of title 40, United States Code.

(c) SAVINGS PROVISION.—Nothing in this section may be construed to alter or change agreements or authorities authorized under section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note) and in place as of the date of enactment of this Act

(d) EVALUATION PROCEDURES.—

(1) IN GENERAL.—

(A) REQUIREMENT FOR PROCEDURES.—The Commissioner, in consultation with the Administrator and consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (6 U.S.C. 211 note), shall issue procedures for evaluating a proposal submitted by a person for an agreement authorized under subsection (a).

(B) AVAILABILITY.—The procedures required under subparagraph (A) shall be made available to the public through a website of the Department of Homeland Security.

(2) SPECIFICATION.—Proposals for agreements or donations referred to in subsection (a) may specify—

(A) the land port of entry facility or facilities in support of which the agreement is entered into; and

(B) the time frame in which the contributed property or nonpersonal services shall be used.

(3) SUPPLEMENTAL FUNDING.—Any property (including monetary donations) or nonpersonal services donated pursuant to subsection (a)(2) may be used in addition to any other funds, including appropriated funds, property, or services made available for the same purpose.

(4) RETURN OF DONATION.—

(A) REQUIREMENT FOR RETURN.—If the Commissioner or the Administrator does not use the property or services donated pursuant to subsection (a)(2) for the specific facility or facilities designated by the person or within the time frame specified by the person, such donated property or services shall be returned to the person that made the donation.

(B) PROHIBITION ON INTEREST.—No interest may be owed on any donation returned to a person under subparagraph (A).

(5) DETERMINATION AND NOTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after receiving a proposal pursuant to subsection (a) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Commissioner or the Administrator shall—

(i) make a determination with respect to whether or not to approve the proposal; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such disapproval.

(B) CONSIDERATIONS.—In determining whether or not to approve a proposal under this subsection, the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(e) ANNUAL REPORT AND NOTICE TO CONGRESS.—The Commissioner, in collaboration with the Administrator, shall—

(1) submit an annual report to the relevant committees of Congress describing agreements entered into pursuant to subsection (a); and

(2) not later than 3 days before entering into an agreement under subsection (a) with a person, notify the members of Congress that represent the State and district in which the facility is located.

SEC. 5. IMPLEMENTATION OF GOVERNMENT ACCOUNTABILITY OFFICE FINDINGS.

(a) BORDER WAIT TIME DATA COLLECTION.—

(1) STRATEGIC PLAN.—The Secretary, in consultation with the Commissioner, the Administrator of the Federal Highway Administration, State Departments of Transportation, and other public and private stakeholders, shall develop a strategic plan for standardized collection of vehicle wait times at land ports of entry.

(2) ELEMENTS.—The strategic plan required under paragraph (1) shall include—

(A) a description of how U.S. Customs and Border Protection will ensure standardized manual wait time collection practices at ports of entry;

(B) current wait time collection practices at each land port of entry, which shall also be made available through existing online platforms for public reporting;

(C) the identification of a standardized measurement and validation wait time data tool for use at all land ports of entry; and

(D) an assessment of the feasibility and cost for supplementing and replacing manual data collection with automation, which should utilize existing automation efforts and resources.

(3) UPDATES FOR COLLECTION METHODS.—The Secretary shall update the strategic plan required under paragraph (1) to reflect new practices, timelines, tools, and assessments, as appropriate.

(b) STAFF ALLOCATION.—The Secretary, in consultation with the Commissioner and State, municipal, and private sector stakeholders at each port of entry, shall develop a standardized model for the allocation of U.S. Customs and Border Protection officers and support staff at land ports of entry, including allocations specific to field offices and the port level that utilizes—

(1) current and future operational priorities and threats;

(2) historical staffing levels and patterns; and

(3) anticipated traffic flows.

(c) OUTCOME-BASED PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Secretary, in consultation with the Commissioner and relevant public and private sector stakeholders, shall identify and adopt not fewer than 2 new, outcome-based performance measures that support the trade facilitation goals of U.S. Customs and Border Protection.

(2) EFFECT OF TRUSTED TRAVELER AND SHIPPER PROGRAMS.—Outcome-based performance measures identified under this subsection should include—

(A) the extent to which trusted traveler and shipper program participants experience decreased annual percentage wait time compared to nonparticipants; and

(B) the extent to which trusted traveler and shipper program participants experience an annual reduction in percentage of referrals to secondary inspection facilities compared to nonparticipants.

(3) AGENCY EFFICIENCIES.—The Secretary shall not adopt performance measures that—

(A) solely address U.S. Customs and Border Protection resource efficiency; or

(B) fail to adequately—

(i) gauge the impact of programs or initiatives on trade facilitation goals; or

(ii) measure benefits to stakeholders.

(4) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report to the relevant committees of Congress that identifies—

(A) the new performance measures developed under this subsection; and

(B) the process for the incorporation of such measures into existing performance measures.

By Mr. CORNYN (for himself and Ms. KLOBUCHAR):

S. 461. A bill to provide for alternative financing arrangements for the provision of certain services and the construction and maintenance of infrastructure at land border ports of entry, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 461

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Cross-Border Trade Enhancement Act of 2015''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR; ADMINISTRATION.—The terms ''Administrator'' and ''Administration'' mean the Administrator of General Services and the General Services Administration, respectively.

(2) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of U.S. Customs and Border Protection.

(3) PERSON.—The term ''person'' means—

(A) an individual; or

(B) a corporation, partnership, trust, association, or any other public or private entity, including a State or local government.

(4) RELEVANT COMMITTEES OF CONGRESS.—The term ''relevant committees of Congress'' means—

(A) the Committee on Environment and Public Works of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Committee on the Judiciary of the Senate;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the Committee on the Judiciary of the House of Representatives; and

(G) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3. AUTHORITY TO ENTER INTO AGREEMENTS FOR THE PROVISION OF CERTAIN SERVICES AT LAND BORDER PORTS OF ENTRY.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—

(1) IN GENERAL.—Notwithstanding section 451 of the Tariff Act of 1930 (19 U.S.C. 1451), and consistent with section 560 of the Department of Homeland Security Appropriations Act, 2013 (division D of Public Law 113–6; 127 Stat. 378) and section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76, 6 U.S.C. 211 note) the Commissioner may, during the 10-year period beginning on the date of the enactment of this Act and upon the request of any person, enter into an agreement with that person under which—

(A) U.S. Customs and Border Protection will provide the services described in paragraph (2) at a land border port of entry; and

(B) that person will pay the fee described in subsection (b) to reimburse U.S. Customs and Border Protection for the costs incurred in providing such services.

(2) SERVICES DESCRIBED.—Services described in this paragraph are any services related to customs, agricultural processing, border security, or inspection-related immigration matters provided by an employee or contractor of U.S. Customs and Border Protection at land border ports of entry.

(3) LIMITATION.—The Commissioner may not modify existing requirements or reimbursement fee agreements in effect as of the

date of the enactment of this Act unless the relevant person requests a modification to include services described in this section.

(4) SAVINGS PROVISION.—Nothing in this paragraph may be construed to reduce the responsibilities or duties of U.S. Customs and Border Protection to provide services at land border ports of entry that have been authorized or mandated by law and are funded in any appropriation Act or from any accounts in the Treasury of the United States derived by the collection of fees.

(b) FEE.—

(1) IN GENERAL.—A person requesting U.S. Customs and Border Protection services shall pay a fee pursuant to an agreement under subsection (a) in an amount equal to the sum of—

(A) a proportionate share of the salaries and expenses of the individuals employed by U.S. Customs and Border Protection who provided such services; and

(B) other costs incurred by U.S. Customs and Border Protection relating to such services, such as temporary placement or permanent relocation of such individuals.

(2) OVERSIGHT OF FEES.—The Commissioner shall develop a process to oversee the activities reimbursed by the fees authorized under paragraph (1) that includes—

(A) a determination and report on the full cost of providing services, including direct and indirect costs;

(B) a process for increasing such fees, as necessary;

(C) the establishment of a monthly remittance schedule to reimburse appropriations; and

(D) the identification of overtime costs to be reimbursed by such fees.

(3) DEPOSIT OF FUNDS.—Amounts collected in fees under paragraph (1)—

(A) shall be deposited as an offsetting collection;

(B) shall remain available until expended, without fiscal year limitation; and

(C) shall directly reimburse each appropriation account for the amount paid out of such account for—

(i) any expenses incurred for providing U.S. Customs and Border Protection services to the person paying such fee; and

(ii) any other costs incurred by the U.S. Customs and Border Protection relating to such services.

(4) TERMINATION.—

(A) IN GENERAL.—The Commissioner shall terminate the services provided pursuant to an agreement with a private sector or government entity under subsection (a) upon receiving notice from the Commissioner that such entity failed to pay the fee imposed under paragraph (1) in a timely manner.

(B) EFFECT OF TERMINATION.—At the time services are terminated pursuant to subparagraph (A), all costs incurred by U.S. Customs and Border Protection to provide services to the entity described in subparagraph (A), which have not been reimbursed by the entity, will become immediately due and payable.

(C) INTEREST.—Interest on unpaid fees will accrue from the date of termination based on current Treasury borrowing rates.

(D) PENALTIES.—Any private sector or government entity that fails to pay any fee incurred under paragraph (1) in a timely manner, after notice and demand for payment, shall be liable for a penalty or liquidated damage equal to 2 times the amount of such fee.

(5) NOTIFICATION.—Not later than 3 days before entering into an agreement under this section, the Commissioner shall notify—

(A) the relevant committees of Congress; and

(B) the members of Congress who represent the State or district in which the facility at which services will be provided under the agreement.

SEC. 4. EVALUATION OF ALTERNATIVE FINANCING ARRANGEMENTS FOR CONSTRUCTION AND MAINTENANCE OF INFRASTRUCTURE AT LAND BORDER PORTS OF ENTRY.

(a) AGREEMENTS AUTHORIZED.—Consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76, 6 U.S.C. 211 note), during the 10-year period beginning on the date of the enactment of this Act, the Commissioner and the Administrator may, for purposes of facilitating the construction, alteration, operation, or maintenance of a new or existing facility or other infrastructure at a port of entry under the jurisdiction, custody, and control of the Commissioner or the Administrator—

(1) enter into cost-sharing or reimbursement agreements with any person; or

(2) accept donations from any person of—

(A) real or personal property (including monetary donations); or

(B) nonpersonal services.

(b) ALLOWABLE USES OF AGREEMENTS.—The Commissioner and the Administrator, with respect to an agreement authorized under subsection (a), may—

(1) use such agreements for activities related to an existing or new port of entry, including expenses related to—

(A) land acquisition, design, construction, repair, or alternation;

(B) furniture, fixtures, or equipment;

(C) the deployment of technology or equipment; or

(D) operations and maintenance; or

(2) subject to chapter 33 of title 40, United States Code, transfer such property or services between the Commissioner and the Administrator for activities described in paragraph (1) that are related to a new or existing port of entry under the jurisdiction, custody, and control of the relevant agency.

(c) EVALUATION PROCEDURES.—

(1) IN GENERAL.—

(A) REQUIREMENTS FOR PROCEDURES.—The Commissioner, in consultation with the Administrator and consistent with section 559 of the Department of Homeland Security Appropriations Act, 2014 (division F of Public Law 113–76; 6 U.S.C. 211 note), shall issue procedures for evaluating a proposal submitted by a person for an agreement authorized under subsection (a).

(B) AVAILABILITY.—The procedures issued under subparagraph (A) shall be made available to the public through the Department of Homeland Security website.

(2) SPECIFICATION.—In making a donation under subsection (a)(2), a person may—

(A) designate the land port of entry facility or facilities that the donation is intended to support; and

(B) specify the period during which the contributed property or nonpersonal services shall be used.

(3) SUPPLEMENTAL FUNDING.—Any property, including monetary donations and nonpersonal services donated pursuant to subsection (a) may be used in addition to any other funds, including appropriated funds, property, or services made available for the same purpose.

(4) RETURN OF DONATION.—

(A) RETURN REQUIRED.—If the Commissioner or the Administrator does not use the property or services donated pursuant to subsection (a) for the specific facility or facilities designated under paragraph (2)(A) or during the period specified under paragraph (2)(B), such donated property or services shall be returned to the person that made the donation.

(B) INTEREST PROHIBITED.—No interest may be owed on any donation returned to a person pursuant to subparagraph (A).

(5) DETERMINATION AND NOTIFICATION.—

(A) IN GENERAL.—Not later than 90 days after receiving a proposal pursuant to subsection (a) with respect to the construction or maintenance of a facility or other infrastructure at a land border port of entry, the Commissioner or the Administrator shall—

(i) make a determination with respect to whether or not to approve the proposal; and

(ii) notify the person that submitted the proposal of—

(I) the determination; and

(II) if the Administrator did not approve the proposal, the reasons for such determination.

(B) CONSIDERATIONS.—In making the determination under subparagraph (A)(i), the Commissioner or the Administrator shall consider—

(i) the impact of the proposal on reducing wait times at that port of entry and other ports of entry on the same border;

(ii) the potential of the proposal to increase trade and travel efficiency through added capacity; and

(iii) the potential of the proposal to enhance the security of the port of entry.

(d) ANNUAL REPORT AND NOTICE TO CONGRESS.—The Commissioner, in collaboration with the Administrator, shall—

(1) submit an annual report to the relevant committees of Congress on the agreements entered into under subsection (a); and

(2) not less than 3 days before entering into an agreement with a person under subsection (a), notify the members of Congress that represent the State or district in which the affected facility is located.

By Mr. KAINE (for himself and Mr. WARNER):

S. 465. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

Mr. KAINE. Mr. President. I am pleased to reintroduce the Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015. This legislation was voted out of Committee in the previous Congress, and I remain hopeful that the full Senate will vote to approve this tribes bill this year.

This legislation is critically important because it strives toward reconciling an historic wrong for Virginia and the Nation. While the Virginia Tribes have received official recognition from the Commonwealth of Virginia, acknowledgement and officially-recognized status from the federal government has been considerably more difficult due to their systematic mistreatment over the past century.

More specifically, Virginia's Racial Integrity Act, a state law in effect from 1924 to 1967, stripped the identities of the tribal members of Virginia's Indian Tribes. The Act changed the racial identifications of those who lacked white ancestry to ''colored'' on birth certificates during that period. In addition, five of the six courthouses that held the vast majority of the Virginia Indian Tribal records were destroyed in the Civil War. Those records were crucial for documenting the history of the tribes for recognition by the Bureau of

Indian Affairs Office of Federal Acknowledgement.

Furthermore, Virginia Indians made peace when they signed the Treaty of Middle Plantation with England in 1677. This predated the creation of the United States of America by about 100 years; the founding fathers of the United States never recognized the treaty. Therefore, unlike tribes that received federal recognition upon the signing of a treaty with the United States, the Virginia Tribes did not receive federal recognition because they made peace with England prior to the founding of our Nation.

I am proud of Virginia's recognized Indian Tribes and their contributions to our Commonwealth. The Virginia Tribes are not only part of our history, but they remain ever present today. We go to school and work together, and serve the Commonwealth and nation together every day. These contributions should be acknowledged, and this Federal recognition for Virginia's native peoples is long overdue.

Virginia's Indian Tribes contributed to the successful founding of our country and continue to help define our national identity. Their members have attended our schools, worked next to us, and served in every American war since the Revolution, all while maintaining a unique identity and culture. I am hopeful the Senate will act upon my legislation this year, to give these six Virginia Native American Tribes the Federal recognition that is long overdue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 465

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Thomasina E. Jordan Indian Tribes of Virginia Federal Recognition Act of 2015''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. INDIAN CHILD WELFARE ACT OF 1978.

Nothing in this Act affects the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

TITLE I—CHICKAHOMINY INDIAN TRIBE

SEC. 101. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York Mattaponi River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(12) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(13) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(14) in 1919, C. Lee Moore, Auditor of Public Accounts for Virginia, told Chickahominy Chief O.W. Adkins that he had instructed the Commissioner of Revenue for Charles City County to record Chickahominy tribal members on the county tax rolls as Indian, and not as White or colored;

(15) during the period of 1920 through 1930, various Governors of the Commonwealth of Virginia wrote letters of introduction for Chickahominy Chiefs who had official business with Federal agencies in Washington, DC;

(16) in 1934, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, requesting money to acquire land for the Chickahominy Indian Tribe's use, to build school, medical, and library facilities and to buy tractors, implements, and seed;

(17) in 1934, John Collier, Commissioner of Indian Affairs, wrote to Chickahominy Chief O.O. Adkins, informing him that Congress had passed the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.), but had not made the appropriation to fund the Act;

(18) in 1942, Chickahominy Chief O.O. Adkins wrote to John Collier, Commissioner of Indian Affairs, asking for help in getting the proper racial designation on Selective Service records for Chickahominy soldiers;

(19) in 1943, John Collier, Commissioner of Indian Affairs, asked Douglas S. Freeman, editor of the Richmond News-Leader newspaper of Richmond, Virginia, to help Virginia Indians obtain proper racial designation on birth records;

(20) Collier stated that his office could not officially intervene because it had no responsibility for the Virginia Indians, ''as a matter largely of historical accident'', but was ''interested in them as descendants of the original inhabitants of the region'';

(21) in 1948, the Veterans' Education Committee of the Virginia State Board of Education approved Samaria Indian School to provide training to veterans;

(22) that school was established and run by the Chickahominy Indian Tribe;

(23) in 1950, the Chickahominy Indian Tribe purchased and donated to the Charles City County School Board land to be used to build a modern school for students of the Chickahominy and other Virginia Indian tribes;

(24) the Samaria Indian School included students in grades 1 through 8;

(25) in 1961, Senator Sam Ervin, Chairman of the Subcommittee on Constitutional Rights of the Committee on the Judiciary of the Senate, requested Chickahominy Chief O.O. Adkins to provide assistance in analyzing the status of the constitutional rights of Indians ''in your area'';

(26) in 1967, the Charles City County school board closed Samaria Indian School and converted the school to a countywide primary school as a step toward full school integration of Indian and non-Indian students;

(27) in 1972, the Charles City County school board began receiving funds under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aa et seq.) on behalf of Chickahominy students, which funding is provided as of the date of enactment of this Act under title V of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458aaa et seq.);

(28) in 1974, the Chickahominy Indian Tribe bought land and built a tribal center using

monthly pledges from tribal members to finance the transactions;

(29) in 1983, the Chickahominy Indian Tribe was granted recognition as an Indian tribe by the Commonwealth of Virginia, along with 5 other Indian tribes; and

(30) in 1985, Governor Gerald Baliles was the special guest at an intertribal Thanksgiving Day dinner hosted by the Chickahominy Indian Tribe.

SEC. 102. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe.

SEC. 103. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 104. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 105. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 106. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 107. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE II—CHICKAHOMINY INDIAN TRIBE—EASTERN DIVISION

SEC. 201. FINDINGS.

Congress finds that—

(1) in 1607, when the English settlers set shore along the Virginia coastline, the Chickahominy Indian Tribe was 1 of about 30 tribes that received them;

(2) in 1614, the Chickahominy Indian Tribe entered into a treaty with Sir Thomas Dale, Governor of the Jamestown Colony, under which—

(A) the Chickahominy Indian Tribe agreed to provide 2 bushels of corn per man and send warriors to protect the English; and

(B) Sir Thomas Dale agreed in return to allow the Tribe to continue to practice its own tribal governance;

(3) in 1646, a treaty was signed which forced the Chickahominy from their homeland to the area around the York River in present-day King William County, leading to the formation of a reservation;

(4) in 1677, following Bacon's Rebellion, the Queen of Pamunkey signed the Treaty of Middle Plantation on behalf of the Chickahominy;

(5) in 1702, the Chickahominy were forced from their reservation, which caused the loss of a land base;

(6) in 1711, the College of William and Mary in Williamsburg established a grammar school for Indians called Brafferton College;

(7) a Chickahominy child was 1 of the first Indians to attend Brafferton College;

(8) in 1750, the Chickahominy Indian Tribe began to migrate from King William County back to the area around the Chickahominy River in New Kent and Charles City Counties;

(9) in 1793, a Baptist missionary named Bradby took refuge with the Chickahominy and took a Chickahominy woman as his wife;

(10) in 1831, the names of the ancestors of the modern-day Chickahominy Indian Tribe began to appear in the Charles City County census records;

(11) in 1870, a census revealed an enclave of Indians in New Kent County that is believed to be the beginning of the Chickahominy Indian Tribe—Eastern Division;

(12) other records were destroyed when the New Kent County courthouse was burned, leaving a State census as the only record covering that period;

(13) in 1901, the Chickahominy Indian Tribe formed Samaria Baptist Church;

(14) from 1901 to 1935, Chickahominy men were assessed a tribal tax so that their children could receive an education;

(15) the Tribe used the proceeds from the tax to build the first Samaria Indian School, buy supplies, and pay a teacher's salary;

(16) in 1910, a 1-room school covering grades 1 through 8 was established in New Kent County for the Chickahominy Indian Tribe—Eastern Division;

(17) during the period of 1920 through 1921, the Chickahominy Indian Tribe—Eastern Division began forming a tribal government;

(18) E.P. Bradby, the founder of the Tribe, was elected to be Chief;

(19) in 1922, Tsena Commocko Baptist Church was organized;

(20) in 1925, a certificate of incorporation was issued to the Chickahominy Indian Tribe—Eastern Division;

(21) in 1950, the 1-room Indian school in New Kent County was closed and students were bused to Samaria Indian School in Charles City County;

(22) in 1967, the Chickahominy Indian Tribe and the Chickahominy Indian Tribe—Eastern Division lost their schools as a result of the required integration of students;

(23) during the period of 1982 through 1984, Tsena Commocko Baptist Church built a new sanctuary to accommodate church growth;

(24) in 1983 the Chickahominy Indian Tribe—Eastern Division was granted State recognition along with 5 other Virginia Indian tribes;

(25) in 1985—

(A) the Virginia Council on Indians was organized as a State agency; and

(B) the Chickahominy Indian Tribe—Eastern Division was granted a seat on the Council;

(26) in 1988, a nonprofit organization known as the ''United Indians of Virginia'' was formed; and

(27) Chief Marvin ''Strongoak'' Bradby of the Eastern Band of the Chickahominy presently chairs the organization.

SEC. 202. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Chickahominy Indian Tribe—Eastern Division.

SEC. 203. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all future services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of New Kent County, James City County, Charles City County, and Henrico County, Virginia.

SEC. 204. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 205. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 206. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of New Kent County, James City County, Charles City County, or Henrico County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 207. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE III—UPPER MATTAPONI TRIBE

SEC. 301. FINDINGS.

Congress finds that—

(1) during the period of 1607 through 1646, the Chickahominy Indian Tribes—

(A) lived approximately 20 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) Mattaponi Indians, who later joined the Chickahominy Indians, lived a greater distance from Jamestown;

(3) in 1646, the Chickahominy Indians moved to Mattaponi River basin, away from the English;

(4) in 1661, the Chickahominy Indians sold land at a place known as ''the cliffs'' on the Mattaponi River;

(5) in 1669, the Chickahominy Indians—

(A) appeared in the Virginia Colony's census of Indian bowmen; and

(B) lived in ''New Kent'' County, which included the Mattaponi River basin at that time;

(6) in 1677, the Chickahominy and Mattaponi Indians were subjects of the Queen of Pamunkey, who was a signatory to the Treaty of 1677 with the King of England;

(7) in 1683, after a Mattaponi town was attacked by Seneca Indians, the Mattaponi Indians took refuge with the Chickahominy Indians, and the history of the 2 groups was intertwined for many years thereafter;

(8) in 1695, the Chickahominy and Mattaponi Indians—

(A) were assigned a reservation by the Virginia Colony; and

(B) traded land of the reservation for land at the place known as ''the cliffs'' (which, as of the date of enactment of this Act, is the Mattaponi Indian Reservation), which had been owned by the Mattaponi Indians before 1661;

(9) in 1711, a Chickahominy boy attended the Indian School at the College of William and Mary;

(10) in 1726, the Virginia Colony discontinued funding of interpreters for the Chickahominy and Mattaponi Indian Tribes;

(11) James Adams, who served as an interpreter to the Indian tribes known as of the date of enactment of this Act as the ''Upper Mattaponi Indian Tribe'' and ''Chickahominy Indian Tribe'', elected to stay with the Upper Mattaponi Indians;

(12) today, a majority of the Upper Mattaponi Indians have ''Adams'' as their surname;

(13) in 1787, Thomas Jefferson, in Notes on the Commonwealth of Virginia, mentioned the Mattaponi Indians on a reservation in King William County and said that Chickahominy Indians were ''blended'' with the Mattaponi Indians and nearby Pamunkey Indians;

(14) in 1850, the census of the United States revealed a nucleus of approximately 10 families, all ancestral to modern Upper Mattaponi Indians, living in central King William County, Virginia, approximately 10 miles from the reservation;

(15) during the period of 1853 through 1884, King William County marriage records listed Upper Mattaponis as ''Indians'' in marrying people residing on the reservation;

(16) during the period of 1884 through the present, county marriage records usually refer to Upper Mattaponis as ''Indians'';

(17) in 1901, Smithsonian anthropologist James Mooney heard about the Upper Mattaponi Indians but did not visit them;

(18) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians with a section on the Upper Mattaponis;

(19) from 1929 until 1930, the leadership of the Upper Mattaponi Indians opposed the use of a ''colored'' designation in the 1930 United States census and won a compromise in which the Indian ancestry of the Upper Mattaponis was recorded but questioned;

(20) during the period of 1942 through 1945—

(A) the leadership of the Upper Mattaponi Indians, with the help of Frank Speck and others, fought against the induction of young men of the Tribe into ''colored'' units in the Armed Forces of the United States; and

(B) a tribal roll for the Upper Mattaponi Indians was compiled;

(21) from 1945 to 1946, negotiations took place to admit some of the young people of the Upper Mattaponi to high schools for Federal Indians (especially at Cherokee) because no high school coursework was available for Indians in Virginia schools; and

(22) in 1983, the Upper Mattaponi Indians applied for and won State recognition as an Indian tribe.

SEC. 302. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Upper Mattaponi Tribe.

SEC. 303. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area within 25 miles of the Sharon Indian School at 13383 King William Road, King William County, Virginia.

SEC. 304. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 305. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 306. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King William County, Caroline County, Hanover County, King and Queen County, and New Kent County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 307. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE IV—RAPPAHANNOCK TRIBE, INC.

SEC. 401. FINDINGS.

Congress finds that—

(1) during the initial months after Virginia was settled, the Rappahannock Indians had 3 encounters with Captain John Smith;

(2) the first encounter occurred when the Rappahannock weroance (headman)—

(A) traveled to Quiyocohannock (a principal town across the James River from Jamestown), where he met with Smith to determine whether Smith had been the ''great man'' who had previously sailed into the Rappahannock River, killed a Rappahannock weroance, and kidnapped Rappahannock people; and

(B) determined that Smith was too short to be that ''great man'';

(3) on a second meeting, during John Smith's captivity (December 16, 1607 to January 8, 1608), Smith was taken to the Rappahannock principal village to show the people that Smith was not the ''great man'';

(4) a third meeting took place during Smith's exploration of the Chesapeake Bay (July to September 1608), when, after the Moraughtacund Indians had stolen 3 women from the Rappahannock King, Smith was prevailed upon to facilitate a peaceful truce between the Rappahannock and the Moraughtacund Indians;

(5) in the settlement, Smith had the 2 Indian tribes meet on the spot of their first fight;

(6) when it was established that both groups wanted peace, Smith told the Rappahannock King to select which of the 3 stolen women he wanted;

(7) the Moraughtacund King was given second choice among the 2 remaining women, and Mosco, a Wighcocomoco (on the Potomac River) guide, was given the third woman;

(8) in 1645, Captain William Claiborne tried unsuccessfully to establish treaty relations with the Rappahannocks, as the Rappahannocks had not participated in the Pamunkey-led uprising in 1644, and the English wanted to ''treat with the Rappahannocks or any other Indians not in amity with Opechancanough, concerning serving the county against the Pamunkeys'';

(9) in April 1651, the Rappahannocks conveyed a tract of land to an English settler, Colonel Morre Fauntleroy;

(10) the deed for the conveyance was signed by Accopatough, weroance of the Rappahannock Indians;

(11) in September 1653, Lancaster County signed a treaty with Rappahannock Indians, the terms of which treaty—

(A) gave Rappahannocks the rights of Englishmen in the county court; and

(B) attempted to make the Rappahannocks more accountable under English law;

(12) in September 1653, Lancaster County defined and marked the bounds of its Indian settlements;

(13) according to the Lancaster clerk of court, ''the tribe called the great Rappahannocks lived on the Rappahannock Creek just across the river above Tappahannock'';

(14) in September 1656, (Old) Rappahannock County (which, as of the date of enactment of this Act, is comprised of Richmond and Essex Counties, Virginia) signed a treaty with Rappahannock Indians that—

(A) mirrored the Lancaster County treaty from 1653; and

(B) stated that—

(i) Rappahannocks were to be rewarded, in Roanoke, for returning English fugitives; and

(ii) the English encouraged the Rappahannocks to send their children to live among the English as servants, who the English promised would be well-treated;

(15) in 1658, the Virginia Assembly revised a 1652 Act stating that ''there be no grants of land to any Englishman whatsoever de futuro until the Indians be first served with the proportion of 50 acres of land for each bowman'';

(16) in 1669, the colony conducted a census of Virginia Indians;

(17) as of the date of that census—

(A) the majority of the Rappahannocks were residing at their hunting village on the north side of the Mattaponi River; and

(B) at the time of the visit, census-takers were counting only the Indian tribes along the rivers, which explains why only 30 Rappahannock bowmen were counted on that river;

(18) the Rappahannocks used the hunting village on the north side of the Mattaponi River as their primary residence until the Rappahannocks were removed in 1684;

(19) in May 1677, the Treaty of Middle Plantation was signed with England;

(20) the Pamunkey Queen Cockacoeske signed on behalf of the Rappahannocks, ''who were supposed to be her tributaries'', but before the treaty could be ratified, the Queen of Pamunkey complained to the Virginia Colonial Council ''that she was having trouble with Rappahannocks and Chickahominies, supposedly tributaries of hers'';

(21) in November 1682, the Virginia Colonial Council established a reservation for the Rappahannock Indians of 3,474 acres ''about the town where they dwelt'';

(22) the Rappahannock ''town'' was the hunting village on the north side of the Mattaponi River, where the Rappahannocks had lived throughout the 1670s;

(23) the acreage allotment of the reservation was based on the 1658 Indian land act, which translates into a bowman population of 70, or an approximate total Rappahannock population of 350;

(24) in 1683, following raids by Iroquoian warriors on both Indian and English settlements, the Virginia Colonial Council ordered the Rappahannocks to leave their reservation and unite with the Nanzatico Indians at Nanzatico Indian Town, which was located across and up the Rappahannock River some 30 miles;

(25) between 1687 and 1699, the Rappahannocks migrated out of Nanzatico, returning to the south side of the Rappahannock River at Portobacco Indian Town;

(26) in 1706, by order of Essex County, Lieutenant Richard Covington ''escorted'' the Portobaccos and Rappahannocks out of Portobacco Indian Town, out of Essex County, and into King and Queen County where they settled along the ridgeline between the Rappahannock and Mattaponi Rivers, the site of their ancient hunting village and 1682 reservation;

(27) during the 1760s, 3 Rappahannock girls were raised on Thomas Nelson's Bleak Hill Plantation in King William County;

(28) of those girls—

(A) 1 married a Saunders man;

(B) 1 married a Johnson man; and

(C) 1 had 2 children, Edmund and Carter Nelson, fathered by Thomas Cary Nelson;

(29) in the 19th century, those Saunders, Johnson, and Nelson families are among the core Rappahannock families from which the modern Tribe traces its descent;

(30) in 1819 and 1820, Edward Bird, John Bird (and his wife), Carter Nelson, Edmund Nelson, and Carter Spurlock (all Rappahannock ancestors) were listed on the tax roles of King and Queen County and taxed at the county poor rate;

(31) Edmund Bird was added to the tax roles in 1821;

(32) those tax records are significant documentation because the great majority of pre-1864 records for King and Queen County were destroyed by fire;

(33) beginning in 1819, and continuing through the 1880s, there was a solid Rappahannock presence in the membership at Upper Essex Baptist Church;

(34) that was the first instance of conversion to Christianity by at least some Rappahannock Indians;

(35) while 26 identifiable and traceable Rappahannock surnames appear on the pre-1863 membership list, and 28 were listed on the 1863 membership roster, the number of surnames listed had declined to 12 in 1878 and had risen only slightly to 14 by 1888;

(36) a reason for the decline is that in 1870, a Methodist circuit rider, Joseph Mastin, secured funds to purchase land and construct St. Stephens Baptist Church for the Rappahannocks living nearby in Caroline County;

(37) Mastin referred to the Rappahannocks during the period of 1850 to 1870 as ''Indians, having a great need for moral and Christian guidance'';

(38) St. Stephens was the dominant tribal church until the Rappahannock Indian Baptist Church was established in 1964;

(39) at both churches, the core Rappahannock family names of Bird, Clarke, Fortune, Johnson, Nelson, Parker, and Richardson predominate;

(40) during the early 1900s, James Mooney, noted anthropologist, maintained correspondence with the Rappahannocks, surveying them and instructing them on how to formalize their tribal government;

(41) in November 1920, Speck visited the Rappahannocks and assisted them in organizing the fight for their sovereign rights;

(42) in 1921, the Rappahannocks were granted a charter from the Commonwealth of Virginia formalizing their tribal government;

(43) Speck began a professional relationship with the Tribe that would last more than 30 years and document Rappahannock history and traditions as never before;

(44) in April 1921, Rappahannock Chief George Nelson asked the Governor of Virginia, Westmoreland Davis, to forward a proclamation to the President of the United States, along with an appended list of tribal members and a handwritten copy of the proclamation itself;

(45) the letter concerned Indian freedom of speech and assembly nationwide;

(46) in 1922, the Rappahannocks established a formal school at Lloyds, Essex County, Virginia;

(47) prior to establishment of the school, Rappahannock children were taught by a tribal member in Central Point, Caroline County, Virginia;

(48) in December 1923, Rappahannock Chief George Nelson testified before Congress appealing for a $50,000 appropriation to establish an Indian school in Virginia;

(49) in 1930, the Rappahannocks were engaged in an ongoing dispute with the Commonwealth of Virginia and the United States Census Bureau about their classification in the 1930 Federal census;

(50) in January 1930, Rappahannock Chief Otho S. Nelson wrote to Leon Truesdell, Chief Statistician of the United States Census Bureau, asking that the 218 enrolled Rappahannocks be listed as Indians;

(51) in February 1930, Truesdell replied to Nelson saying that ''special instructions'' were being given about classifying Indians;

(52) in April 1930, Nelson wrote to William M. Steuart at the Census Bureau asking about the enumerators' failure to classify his people as Indians, saying that enumerators had not asked the question about race when they interviewed his people;

(53) in a followup letter to Truesdell, Nelson reported that the enumerators were ''flatly denying'' his people's request to be listed as Indians and that the race question was completely avoided during interviews;

(54) the Rappahannocks had spoken with Caroline and Essex County enumerators, and

with John M.W. Green at that point, without success;

(55) Nelson asked Truesdell to list people as Indians if he sent a list of members;

(56) the matter was settled by William Steuart, who concluded that the Bureau's rule was that people of Indian descent could be classified as ''Indian'' only if Indian ''blood'' predominated and ''Indian'' identity was accepted in the local community;

(57) the Virginia Vital Statistics Bureau classed all nonreservation Indians as ''Negro'', and it failed to see why ''an exception should be made'' for the Rappahannocks;

(58) therefore, in 1925, the Indian Rights Association took on the Rappahannock case to assist the Rappahannocks in fighting for their recognition and rights as an Indian tribe;

(59) during the Second World War, the Pamunkeys, Mattaponis, Chickahominies, and Rappahannocks had to fight the draft boards with respect to their racial identities;

(60) the Virginia Vital Statistics Bureau insisted that certain Indian draftees be inducted into Negro units;

(61) finally, 3 Rappahannocks were convicted of violating the Federal draft laws and, after spending time in a Federal prison, were granted conscientious objector status and served out the remainder of the war working in military hospitals;

(62) in 1943, Frank Speck noted that there were approximately 25 communities of Indians left in the Eastern United States that were entitled to Indian classification, including the Rappahannocks;

(63) in the 1940s, Leon Truesdell, Chief Statistician, of the United States Census Bureau, listed 118 members in the Rappahannock Tribe in the Indian population of Virginia;

(64) on April 25, 1940, the Office of Indian Affairs of the Department of the Interior included the Rappahannocks on a list of Indian tribes classified by State and by agency;

(65) in 1948, the Smithsonian Institution Annual Report included an article by William Harlen Gilbert entitled, ''Surviving Indian Groups of the Eastern United States'', which included and described the Rappahannock Tribe;

(66) in the late 1940s and early 1950s, the Rappahannocks operated a school at Indian Neck;

(67) the State agreed to pay a tribal teacher to teach 10 students bused by King and Queen County to Sharon Indian School in King William County, Virginia;

(68) in 1965, Rappahannock students entered Marriott High School (a White public school) by executive order of the Governor of Virginia;

(69) in 1972, the Rappahannocks worked with the Coalition of Eastern Native Americans to fight for Federal recognition;

(70) in 1979, the Coalition established a pottery and artisans company, operating with other Virginia tribes;

(71) in 1980, the Rappahannocks received funding through the Administration for Native Americans of the Department of Health and Human Services to develop an economic program for the Tribe; and

(72) in 1983, the Rappahannocks received State recognition as an Indian tribe.

SEC. 402. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—

(A) IN GENERAL.—The term ''Tribe'' means the organization possessing the legal name Rappahannock Tribe, Inc.

(B) EXCLUSIONS.—The term ''Tribe'' does not include any other Indian tribe, subtribe, band, or splinter group the members of which represent themselves as Rappahannock Indians.

SEC. 403. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of King and Queen County, Caroline County, Essex County, and King William County, Virginia.

SEC. 404. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 405. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 406. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of King and Queen County, Stafford County, Spotsylvania County, Richmond County, Essex County, and Caroline County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of King and Queen County, Richmond County, Lancaster County, King George County, Essex County, Caroline County, New Kent County, King William County, and James City County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 407. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE V—MONACAN INDIAN NATION

SEC. 501. FINDINGS.

Congress finds that—

(1) in 1677, the Monacan Tribe signed the Treaty of Middle Plantation between Charles II of England and 12 Indian ''Kings and Chief Men'';

(2) in 1722, in the Treaty of Albany, Governor Spotswood negotiated to save the Virginia Indians from extinction at the hands of the Iroquois;

(3) specifically mentioned in the negotiations were the Monacan tribes of the Totero (Tutelo), Saponi, Ocheneeches (Occaneechi), Stengenocks, and Meipontskys;

(4) in 1790, the first national census recorded Benjamin Evans and Robert Johns, both ancestors of the present Monacan community, listed as ''white'' with mulatto children;

(5) in 1782, tax records also began for those families;

(6) in 1850, the United States census recorded 29 families, mostly large, with Monacan surnames, the members of which are genealogically related to the present community;

(7) in 1870, a log structure was built at the Bear Mountain Indian Mission;

(8) in 1908, the structure became an Episcopal Mission and, as of the date of enactment of this Act, the structure is listed as a landmark on the National Register of Historic Places;

(9) in 1920, 304 Amherst Indians were identified in the United States census;

(10) from 1930 through 1931, numerous letters from Monacans to the Bureau of the Census resulted from the decision of Dr. Walter Plecker, former head of the Bureau of Vital Statistics of the Commonwealth of Virginia, not to allow Indians to register as Indians for the 1930 census;

(11) the Monacans eventually succeeded in being allowed to claim their race, albeit with an asterisk attached to a note from Dr. Plecker stating that there were no Indians in Virginia;

(12) in 1947, D'Arcy McNickle, a Salish Indian, saw some of the children at the Amherst Mission and requested that the Cherokee Agency visit them because they appeared to be Indian;

(13) that letter was forwarded to the Department of the Interior, Office of Indian Affairs, Chicago, Illinois;

(14) Chief Jarrett Blythe of the Eastern Band of Cherokee did visit the Mission and wrote that he ''would be willing to accept these children in the Cherokee school'';

(15) in 1979, a Federal Coalition of Eastern Native Americans established the entity known as ''Monacan Co-operative Pottery'' at the Amherst Mission;

(16) some important pieces were produced at Monacan Co-operative Pottery, including a piece that was sold to the Smithsonian Institution;

(17) the Mattaponi-Pamunkey-Monacan Consortium, established in 1981, has since been organized as a nonprofit corporation that serves as a vehicle to obtain funds for those Indian tribes from the Department of Labor under Native American programs;

(18) in 1989, the Monacan Tribe was recognized by the Commonwealth of Virginia,

which enabled the Tribe to apply for grants and participate in other programs; and

(19) in 1993, the Monacan Tribe received tax-exempt status as a nonprofit corporation from the Internal Revenue Service.

SEC. 502. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Monacan Indian Nation.

SEC. 503. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of all land within 25 miles from the center of Amherst, Virginia.

SEC. 504. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 505. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 506. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of Amherst County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of Amherst County, Virginia, and those parcels in Rockbridge County, Virginia (subject to the consent of the local unit of government), owned by Mr. J. Poole, described as East 731 Sandbridge (encompassing approximately 4.74 acres) and East 731 (encompassing approximately 5.12 acres).

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 507. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VI—NANSEMOND INDIAN TRIBE

SEC. 601. FINDINGS.

Congress finds that—

(1) from 1607 until 1646, Nansemond Indians—

(A) lived approximately 30 miles from Jamestown; and

(B) were significantly involved in English-Indian affairs;

(2) after 1646, there were 2 sections of Nansemonds in communication with each other, the Christianized Nansemonds in Norfolk County, who lived as citizens, and the traditionalist Nansemonds, who lived further west;

(3) in 1638, according to an entry in a 17th century sermon book still owned by the Chief's family, a Norfolk County Englishman married a Nansemond woman;

(4) that man and woman are lineal ancestors of all of members of the Nansemond Indian tribe alive as of the date of enactment of this Act, as are some of the traditionalist Nansemonds;

(5) in 1669, the 2 Nansemond sections appeared in Virginia Colony's census of Indian bowmen;

(6) in 1677, Nansemond Indians were signatories to the Treaty of 1677 with the King of England;

(7) in 1700 and 1704, the Nansemonds and other Virginia Indian tribes were prevented by Virginia Colony from making a separate peace with the Iroquois;

(8) Virginia represented those Indian tribes in the final Treaty of Albany, 1722;

(9) in 1711, a Nansemond boy attended the Indian School at the College of William and Mary;

(10) in 1727, Norfolk County granted William Bass and his kinsmen the ''Indian privileges'' of clearing swamp land and bearing arms (which privileges were forbidden to other non-Whites) because of their Nansemond ancestry, which meant that Bass and his kinsmen were original inhabitants of that land;

(11) in 1742, Norfolk County issued a certificate of Nansemond descent to William Bass;

(12) from the 1740s to the 1790s, the traditionalist section of the Nansemond tribe, 40 miles west of the Christianized Nansemonds, was dealing with reservation land;

(13) the last surviving members of that section sold out in 1792 with the permission of the Commonwealth of Virginia;

(14) in 1797, Norfolk County issued a certificate stating that William Bass was of Indian and English descent, and that his Indian line of ancestry ran directly back to the early 18th century elder in a traditionalist section of Nansemonds on the reservation;

(15) in 1833, Virginia enacted a law enabling people of European and Indian descent to obtain a special certificate of ancestry;

(16) the law originated from the county in which Nansemonds lived, and mostly Nansemonds, with a few people from other counties, took advantage of the new law;

(17) a Methodist mission established around 1850 for Nansemonds is currently a standard Methodist congregation with Nansemond members;

(18) in 1901, Smithsonian anthropologist James Mooney—

(A) visited the Nansemonds; and

(B) completed a tribal census that counted 61 households and was later published;

(19) in 1922, Nansemonds were given a special Indian school in the segregated school system of Norfolk County;

(20) the school survived only a few years;

(21) in 1928, University of Pennsylvania anthropologist Frank Speck published a book on modern Virginia Indians that included a section on the Nansemonds; and

(22) the Nansemonds were organized formally, with elected officers, in 1984, and later applied for and received State recognition.

SEC. 602. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) TRIBAL MEMBER.—The term ''tribal member'' means—

(A) an individual who is an enrolled member of the Tribe as of the date of enactment of this Act; and

(B) an individual who has been placed on the membership rolls of the Tribe in accordance with this title.

(3) TRIBE.—The term ''Tribe'' means the Nansemond Indian Tribe.

SEC. 603. FEDERAL RECOGNITION.

(a) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) APPLICABILITY OF LAWS.—All laws (including regulations) of the United States of general applicability to Indians or nations, Indian tribes, or bands of Indians (including the Act of June 18, 1934 (25 U.S.C. 461 et seq.)) that are not inconsistent with this title shall be applicable to the Tribe and tribal members.

(b) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—On and after the date of enactment of this Act, the Tribe and tribal members shall be eligible for all services and benefits provided by the Federal Government to federally recognized Indian tribes without regard to the existence of a reservation for the Tribe.

(2) SERVICE AREA.—For the purpose of the delivery of Federal services to tribal members, the service area of the Tribe shall be considered to be the area comprised of the cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, and Virginia Beach, Virginia.

SEC. 604. MEMBERSHIP; GOVERNING DOCUMENTS.

The membership roll and governing documents of the Tribe shall be the most recent membership roll and governing documents, respectively, submitted by the Tribe to the Secretary before the date of enactment of this Act.

SEC. 605. GOVERNING BODY.

The governing body of the Tribe shall be—

(1) the governing body of the Tribe in place as of the date of enactment of this Act; or

(2) any subsequent governing body elected in accordance with the election procedures specified in the governing documents of the Tribe.

SEC. 606. RESERVATION OF THE TRIBE.

(a) IN GENERAL.—Upon the request of the Tribe, the Secretary of the Interior—

(1) shall take into trust for the benefit of the Tribe any land held in fee by the Tribe that was acquired by the Tribe on or before January 1, 2007, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia; and

(2) may take into trust for the benefit of the Tribe any land held in fee by the Tribe, if such lands are located within the boundaries of the city of Suffolk, the city of Chesapeake, or Isle of Wight County, Virginia.

(b) DEADLINE FOR DETERMINATION.—The Secretary shall make a final written determination not later than three years of the date which the Tribe submits a request for land to be taken into trust under subsection (a)(2) and shall immediately make that determination available to the Tribe.

(c) RESERVATION STATUS.—Any land taken into trust for the benefit of the Tribe pursuant to this paragraph shall, upon request of the Tribe, be considered part of the reservation of the Tribe.

(d) GAMING.—The Tribe may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

SEC. 607. HUNTING, FISHING, TRAPPING, GATHERING, AND WATER RIGHTS.

Nothing in this title expands, reduces, or affects in any manner any hunting, fishing, trapping, gathering, or water rights of the Tribe and members of the Tribe.

TITLE VII—EMINENT DOMAIN

SEC. 701. LIMITATION.

Eminent domain may not be used to acquire lands in fee or in trust for an Indian tribe recognized under this Act.

By Mr. CORNYN (for himself, Mr. WHITEHOUSE, Mr. LEE, Mr. BLUMENTHAL, Mr. HATCH, Mr. COONS, and Mr. GRAHAM):

S. 467. A bill to reduce recidivism and increase public safety, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers In Our National System Act of 2015'' or the ''CORRECTIONS Act''.

SEC. 2. RECIDIVISM REDUCTION PROGRAMMING AND PRODUCTIVE ACTIVITIES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall—

(1) conduct a review of recidivism reduction programming and productive activities, including prison jobs, offered in correctional institutions, including programming and activities offered in State correctional institutions, which shall include a review of research on the effectiveness of such programs;

(2) conduct a survey to identify products, including products purchased by Federal agencies, that are currently manufactured overseas and could be manufactured by prisoners participating in a prison work program without reducing job opportunities for other workers in the United States; and

(3) submit to the Committee on the Judiciary and the Committee on Appropriations of the Senate and the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives a strategic plan for the expansion of recidivism reduction programming and productive activities, including prison jobs, in Bureau of Prisons facilities required by section 3621(h)(1) of title 18, United States Code, as added by subsection (b).

(b) AMENDMENT.—Section 3621 of title 18, United States Code, is amended by adding at the end the following:

''(h) RECIDIVISM REDUCTION PROGRAMMING AND PRODUCTIVE ACTIVITIES.—

''(1) IN GENERAL.—The Director of the Bureau of Prisons, shall, subject to the availability of appropriations, make available to all eligible prisoners appropriate recidivism reduction programming or productive activities, including prison jobs, in accordance with paragraph (2).

''(2) EXPANSION PERIOD.—

''(A) IN GENERAL.—In carrying out this subsection, the Director of the Bureau of Prisons shall have 6 years beginning on the date of enactment of this subsection to ensure appropriate recidivism reduction programming and productive activities, including prison jobs, are available for all eligible prisoners.

''(B) CERTIFICATION.—

''(i) IN GENERAL.—The National Institute of Corrections shall evaluate all recidivism reduction programming or productive activities that are made available to eligible prisoners and determine whether such programming or activities may be certified as evidence-based and effective at reducing or mitigating offender risk and recidivism.

''(ii) CONSIDERATIONS.—In determining whether or not to issue a certification under clause (i), the National Institute of Corrections shall consult with internal or external program evaluation experts, including the Office of Management and Budget and the Comptroller General of the United States to identify appropriate evaluation methodologies for each type of program offered, and may use analyses of similar programs conducted in other correctional settings.

''(3) RECIDIVISM REDUCTION PARTNERSHIPS.—Not later than 18 months after the date of enactment of this subsection, the Attorney General shall issue regulations requiring the official in charge of each correctional facility to ensure, subject to the availability of appropriations, that appropriate recidivism reduction programming and productive activities, including prison jobs, are available for all eligible prisoners within the time period specified in paragraph (2), by entering into partnerships with the following:

''(A) Nonprofit organizations, including faith-based and community-based organizations, that provide recidivism reduction programming, on a paid or volunteer basis.

''(B) Educational institutions that will deliver academic classes in Bureau of Prisons facilities, on a paid or volunteer basis.

''(C) Private entities that will, on a volunteer basis—

''(i) deliver occupational and vocational training and certifications in Bureau of Prisons facilities;

''(ii) provide equipment to facilitate occupational and vocational training or employment opportunities for prisoners;

''(iii) employ prisoners; or

''(iv) assist prisoners in prerelease custody or supervised release in finding employment.

''(4) ASSIGNMENTS.—In assigning prisoners to recidivism reduction programming and productive activities, the Director of the Bureau of Prisons shall use the Post-Sentencing Risk and Needs Assessment System described in section 3621A and shall ensure that—

''(A) to the extent practicable, prisoners are separated from prisoners of other risk classifications in accordance with best practices for effective recidivism reduction;

''(B) a prisoner who has been classified as low risk and without need for recidivism reduction programming shall participate in and successfully complete productive activities, including prison jobs, in order to maintain a low-risk classification;

''(C) a prisoner who has successfully completed all recidivism reduction programming to which the prisoner was assigned shall participate in productive activities, including a prison job; and

''(D) to the extent practicable, each eligible prisoner shall participate in and successfully complete recidivism reduction programming or productive activities, including prison jobs, throughout the entire term of incarceration of the prisoner.

''(5) MENTORING SERVICES.—Any person who provided mentoring services to a prisoner while the prisoner was in a penal or correctional facility of the Bureau of Prisons shall be permitted to continue such services after the prisoner has been transferred into prerelease custody, unless the person in charge of the penal or correctional facility of the Bureau of Prisons demonstrates, in a written document submitted to the person, that such services would be a significant security risk to the prisoner, persons who provide such services, or any other person.

''(6) RECIDIVISM REDUCTION PROGRAM INCENTIVES AND REWARDS.—Prisoners who have successfully completed recidivism reduction programs and productive activities shall be eligible for the following:

''(A) TIME CREDITS.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), a prisoner who has successfully completed a recidivism reduction program or productive activity that has been certified under paragraph (2)(B) shall receive time credits of 5 days for each period of 30 days of successful completion of such program or activity. A prisoner who is classified as low risk shall receive additional time credits of 5 days for each period of 30 days of successful completion of such program or activity.

''(ii) AVAILABILITY.—A prisoner may not receive time credits under this subparagraph for successfully completing a recidivism reduction program or productive activity—

''(I) before the date of enactment of this subsection; or

''(II) during official detention before the date on which the prisoner's sentence commences under section 3585(a).

''(iii) EXCLUSIONS.—No credit shall be awarded under this subparagraph to a prisoner serving a sentence for a second or subsequent conviction for a Federal offense imposed after the date on which the prisoner's first such conviction became final. No credit shall be awarded under this subparagraph to a prisoner who is in criminal history category VI at the time of sentencing. No credit shall be awarded under this subparagraph to any prisoner serving a sentence of imprisonment for conviction for any of the following offenses:

''(I) A Federal crime of terrorism, as defined under section 2332b(g)(5).

''(II) A Federal crime of violence, as defined under section 16.

''(III) A Federal sex offense, as described in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911).

''(IV) A violation of section 1962.

''(V) Engaging in a continuing criminal enterprise, as defined in section 408 of the Controlled Substances Act (21 U.S.C. 848).

''(VI) A Federal fraud offense for which the prisoner received a sentence of imprisonment of more than 15 years.

''(VII) A Federal crime involving child exploitation, as defined in section 2 of the PROTECT Our Children Act of 2008 (42 U.S.C. 17601).

''(iv) IDENTIFICATION OF COVERED OFFENSES.—Not later than 1 year after the date of enactment of this subsection, the United States Sentencing Commission shall prepare and submit to the Director of the Bureau of Prisons a list of all Federal offenses described in subclauses (I) through (VII) of clause (iii), and shall update such list on an annual basis.

''(B) OTHER INCENTIVES.—The Bureau of Prisons shall develop policies to provide appropriate incentives for successful completion of recidivism reduction programming and productive activities, other than time credit pursuant to subparagraph (A), including incentives for prisoners who are precluded from earning credit under subparagraph (A)(iii). Such incentives may include additional telephone or visitation privileges for use with family, close friends, mentors, and religious leaders.

''(C) PENALTIES.—The Bureau of Prisons may reduce rewards a prisoner has previously earned under subparagraph (A) for prisoners who violate the rules of the penal or correctional facility in which the prisoner is imprisoned, a recidivism reduction program, or a productive activity.

''(D) RELATION TO OTHER INCENTIVE PROGRAMS.—The incentives described in this paragraph shall be in addition to any other rewards or incentives for which a prisoner may be eligible, except that a prisoner shall not be eligible for the time credits described in subparagraph (A) if the prisoner has accrued time credits under another provision of law based solely upon participation in, or successful completion of, such program.

''(7) SUCCESSFUL COMPLETION.—For purposes of this subsection, a prisoner—

''(A) shall be considered to have successfully completed a recidivism reduction program or productive activity, if the Bureau of Prisons determines that the prisoner—

''(i) regularly attended and participated in the recidivism reduction program or productive activity;

''(ii) regularly completed assignments or tasks in a manner that allowed the prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity;

''(iii) did not regularly engage in disruptive behavior that seriously undermined the administration of the recidivism reduction program or productive activity; and

''(iv) satisfied the requirements of clauses (i) through (iii) for a time period that is not less than 30 days and allowed the prisoner to realize the criminogenic benefits of the recidivism reduction program or productive activity; and

''(B) for purposes of paragraph (6)(A), may be given credit for successful completion of a recidivism reduction program or productive activity for the time period during which the prisoner participated in such program or activity if the prisoner satisfied the requirements of subparagraph (A) during such time period, notwithstanding that the prisoner continues to participate in such program or activity.

''(8) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE PRISONER.—For purposes of this subsection, the term 'eligible prisoner'—

''(i) means a prisoner serving a sentence of incarceration for conviction of a Federal offense; and

''(ii) does not include any prisoner who the Bureau of Prisons determines—

''(I) is medically unable to successfully complete recidivism reduction programming or productive activities;

''(II) would present a security risk if permitted to participate in recidivism reduction programming; or

''(III) is serving a sentence of incarceration of less than 1 month.

''(B) PRODUCTIVE ACTIVITY.—The term 'productive activity'—

''(i) means a group or individual activity, including holding a job as part of a prison work program, that is designed to allow prisoners classified as having a lower risk of recidivism to maintain such classification, when offered to such prisoners; and

''(ii) may include the delivery of the activities described in subparagraph (C)(i)(II) to other prisoners.

''(C) RECIDIVISM REDUCTION PROGRAM.—The term 'recidivism reduction program' means—

''(i) a group or individual activity that—

''(I) has been certified to reduce recidivism or promote successful reentry; and

''(II) may include—

''(aa) classes on social learning and life skills;

''(bb) classes on morals or ethics;

''(cc) academic classes;

''(dd) cognitive behavioral treatment;

''(ee) mentoring;

''(ff) occupational and vocational training;

''(gg) faith-based classes or services;

''(hh) domestic violence education and deterrence programming;

''(ii) victim-impact classes or other restorative justice programs; and

''(jj) a prison job; and

''(ii) shall include—

''(I) a productive activity; and

''(II) recovery programming.

''(D) RECOVERY PROGRAMMING.—The term 'recovery programming' means a course of instruction or activities, other than a course described in subsection (e), that has been demonstrated to reduce drug or alcohol abuse or dependence among participants, or to promote recovery among individuals who have previously abused alcohol or drugs, to include appropriate medication-assisted treatment.''.

SEC. 3. POST-SENTENCING RISK AND NEEDS ASSESSMENT SYSTEM.

(a) IN GENERAL.—Subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after section 3621 the following:

''§ 3621A. Post-sentencing risk and needs assessment system

''(a) IN GENERAL.—Not later than 30 months after the date of the enactment of this section, the Attorney General shall develop for use by the Bureau of Prisons an offender risk and needs assessment system, to be known as the 'Post-Sentencing Risk and Needs Assessment System' or the 'Assessment System', which shall—

''(1) assess and determine the recidivism risk level of all prisoners and classify each prisoner as having a low, moderate, or high risk of recidivism;

''(2) to the extent practicable, assess and determine the risk of violence of all prisoners;

''(3) ensure that, to the extent practicable, low-risk prisoners are grouped together in housing and assignment decisions;

''(4) assign each prisoner to appropriate recidivism reduction programs or productive activities based on the prisoner's risk level and the specific criminogenic needs of the prisoner, and in accordance with section 3621(h)(4);

''(5) reassess and update the recidivism risk level and programmatic needs of each prisoner pursuant to the schedule set forth in subsection (c)(2), and assess changes in the prisoner's recidivism risk within a particular risk level; and

''(6) provide information on best practices concerning the tailoring of recidivism reduction programs to the specific criminogenic needs of each prisoner so as to effectively lower the prisoner's risk of recidivating.

''(b) DEVELOPMENT OF SYSTEM.—

''(1) IN GENERAL.—In designing the Assessment System, the Attorney General shall—

''(A) use available research and best practices in the field and consult with academic and other criminal justice experts as appropriate; and

''(B) ensure that the Assessment System measures indicators of progress and improvement, and of regression, including newly acquired skills, attitude, and behavior changes over time, through meaningful consideration of dynamic risk factors, such that—

''(i) all prisoners at each risk level other than low risk have a meaningful opportunity to progress to a lower risk classification during the period of the incarceration of the prisoner through changes in dynamic risk factors; and

''(ii) all prisoners on prerelease custody, other than prisoners classified as low risk, have a meaningful opportunity to progress to a lower risk classification during such custody through changes in dynamic risk factors.

''(2) RISK AND NEEDS ASSESSMENT TOOLS.—In carrying out this subsection, the Attorney General shall—

''(A) develop a suitable intake assessment tool to perform the initial assessments and determinations described in subsection (a)(1), and to make the assignments described in subsection (a)(3);

''(B) develop a suitable reassessment tool to perform the reassessments and updates described in subsection (a)(4); and

''(C) develop a suitable tool to assess the recidivism risk level of prisoners in prerelease custody.

''(3) USE OF EXISTING RISK AND NEEDS ASSESSMENT TOOLS PERMITTED.—In carrying out this subsection, the Attorney General may use existing risk and needs assessment tools, as appropriate, for the assessment tools required under paragraph (2).

''(4) VALIDATION.—In carrying out this subsection, the Attorney General shall statistically validate the risk and needs assessment tools on the Federal prison population, or ensure that the tools have been so validated. To the extent such validation cannot be completed with the time period specified in subsection (a), the Attorney General shall ensure that such validation is completed as soon as is practicable.

''(5) RELATIONSHIP WITH EXISTING CLASSIFICATION SYSTEMS.—The Bureau of Prisons may incorporate its existing Inmate Classification System into the Assessment System if the Assessment System assesses the risk level and criminogenic needs of each prisoner and determines the appropriate security level institution for each prisoner. Before the development of the Assessment System, the Bureau of Prisons may use the existing Inmate Classification System, or a pre-existing risk and needs assessment tool that can be used to classify prisoners consistent with subsection (a)(1), or can be reasonably adapted for such purpose, for purposes of this section, section 3621(h), and section 3624(c).

''(c) RISK ASSESSMENT.—

''(1) INITIAL ASSESSMENTS.—Not later than 30 months after the date on which the Attorney General develops the Assessment System, the Bureau of Prisons shall determine the risk level of each prisoner using the Assessment System.

''(2) REASSESSMENTS AND UPDATES.—The Bureau of Prisons shall update the assessment of each prisoner required under paragraph (1)—

''(A) not less frequently than once each year for any prisoner whose anticipated release date is within 3 years;

''(B) not less frequently than once every 2 years for any prisoner whose anticipated release date is within 10 years; and

''(C) not less frequently than once every 3 years for any other prisoner.

''(d) ASSIGNMENT OF RECIDIVISM REDUCTION PROGRAMS OR PRODUCTIVE ACTIVITIES.—The Assessment System shall provide guidance on the kind and amount of recidivism reduction programming or productive activities appropriate for each prisoner.

''(e) BUREAU OF PRISONS TRAINING.—The Attorney General shall develop training protocols and programs for Bureau of Prisons officials and employees responsible for administering the Assessment System. Such training protocols shall include a requirement that personnel of the Bureau of Prisons demonstrate competence in using the methodology and procedure developed under this section on a regular basis.

''(f) QUALITY ASSURANCE.—In order to ensure that the Bureau of Prisons is using the Assessment System in an appropriate and consistent manner, the Attorney General shall monitor and assess the use of the Assessment System and shall conduct periodic audits of the use of the Assessment System at facilities of the Bureau of Prisons.

''(g) DETERMINATIONS AND CLASSIFICATIONS UNREVIEWABLE.—Subject to any constitutional limitations, there shall be no right of review, right of appeal, cognizable property interest, or cause of action, either administrative or judicial, arising from any determination or classification made by any Federal agency or employee while implementing or administering the Assessment System, or any rules or regulations promulgated under this section.

''(h) DEFINITIONS.—In this section:

''(1) DYNAMIC RISK FACTOR.—The term 'dynamic risk factor' means a characteristic or attribute that has been shown to be relevant to assessing risk of recidivism and that can be modified based on a prisoner's actions, behaviors, or attitudes, including through completion of appropriate programming or other means, in a prison setting.

''(2) RECIDIVISM RISK.—The term 'recidivism risk' means the likelihood that a prisoner will commit additional crimes for which the prisoner could be prosecuted in a Federal, State, or local court in the United States.

''(3) RECIDIVISM REDUCTION PROGRAM; PRODUCTIVE ACTIVITY; RECOVERY PROGRAMMING.—The terms 'recidivism reduction program', 'productive activity', and 'recovery programming' shall have the meaning given such terms in section 3621(h)(8).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 229 of title 18, United States Code, is amended by inserting after the item relating to section 3621 the following:

''3621A. Post-sentencing risk and needs assessment system.''.

SEC. 4. PRERELEASE CUSTODY.

(a) IN GENERAL.—Section 3624(c) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking the period at the end of the second sentence and inserting ''or home confinement, subject to the limitation that no prisoner may serve more than 10 percent of the prisoner's imposed sentence in home confinement pursuant to this paragraph.'';

(2) by striking paragraphs (2) and (3) and inserting the following:

''(2) CREDIT FOR RECIDIVISM REDUCTION.—In addition to any time spent in prerelease custody pursuant to paragraph (1), a prisoner shall spend an additional portion of the final months of the prisoner's sentence, equivalent to the amount of time credit the prisoner has earned pursuant to section 3621(h)(6)(A), in prerelease custody, if—

''(A) the prisoner's most recent risk and needs assessment, conducted within 1 year of the date on which the prisoner would first be eligible for transfer to prerelease custody pursuant to paragraph (1) and this paragraph, reflects that the prisoner is classified as low or moderate risk; and

''(B) for a prisoner classified as moderate risk, the prisoner's most recent risk and needs assessment reflects that the prisoner's risk of recidivism has declined during the period of the prisoner's incarceration.

''(3) TYPES OF PRERELEASE CUSTODY.—A prisoner eligible to serve a portion of the prisoner's sentence in prerelease custody pursuant to paragraph (2) may serve such portion in a residential reentry center, on home confinement, or, subject to paragraph (5), on community supervision.'';

(3) by redesignating paragraphs (4) through (6) as paragraphs (9) through (11), respectively;

(4) by inserting the following after paragraph (3):

''(4) HOME CONFINEMENT.—

''(A) IN GENERAL.—Upon placement in home confinement pursuant to paragraph (2), a prisoner shall—

''(i) be subject to 24-hour electronic monitoring that enables the prompt identification of any violation of clause (ii);

''(ii) remain in the prisoner's residence, with the exception of the following activities, subject to approval by the Director of the Bureau of Prisons—

''(I) participation in a job or job-seeking activities;

''(II) participation in recidivism reduction programming or productive activities assigned by the Post-Sentencing Risk and Needs Assessment System, or similar activities approved in advance by the Director of the Bureau of Prisons;

''(III) participation in community service;

''(IV) crime victim restoration activities;

''(V) medical treatment; or

''(VI) religious activities; and

''(iii) comply with such other conditions as the Director of the Bureau of Prisons deems appropriate.

''(B) ALTERNATIVE MEANS OF MONITORING.—If compliance with subparagraph (A)(i) is infeasible due to technical limitations or religious considerations, the Director of the Bureau of Prisons may employ alternative means of monitoring that are determined to be as effective or more effective than electronic monitoring.

''(C) MODIFICATIONS.—The Director of the Bureau of Prisons may modify the conditions of the prisoner's home confinement for compelling reasons, if the prisoner's record demonstrates exemplary compliance with such conditions.

''(5) COMMUNITY SUPERVISION.—

''(A) TIME CREDIT LESS THAN 36 MONTHS.—Any prisoner described in subparagraph (D) who has earned time credit of less than 36 months pursuant to section 3621(h)(6)(A) shall be eligible to serve no more than one-half of the amount of such credit on community supervision, if the prisoner satisfies the conditions set forth in subparagraph (C).

''(B) TIME CREDIT OF 36 MONTHS OR MORE.—Any prisoner described in subparagraph (D) who has earned time credit of 36 months or more pursuant to section 3621(h)(6)(A) shall be eligible to serve the amount of such credit exceeding 18 months on community supervision, if the prisoner satisfies the conditions set forth in subparagraph (C).

''(C) CONDITIONS OF COMMUNITY SUPERVISION.—A prisoner placed on community supervision shall be subject to such conditions as the Director of the Bureau of Prisons deems appropriate. A prisoner on community supervision may remain on community supervision until the conclusion of the prisoner's sentence of incarceration if the prisoner—

''(i) complies with all conditions of prerelease custody;

''(ii) remains current on any financial obligations imposed as part of the prisoner's sentence, including payments of court-ordered restitution arising from the offense of conviction; and

''(iii) refrains from committing any State, local, or Federal offense.

''(D) COVERED PRISONERS.—A prisoner described in this subparagraph is a prisoner who—

''(i) is classified as low risk by the Post-Sentencing Risk and Needs Assessment System in the assessment conducted for purposes of paragraph (2); or

''(ii) is subsequently classified as low risk by the Post-Sentencing Risk and Needs Assessment System.

''(6) VIOLATIONS.—If a prisoner violates a condition of the prisoner's prerelease custody, the Director of the Bureau of Prisons may revoke the prisoner's prerelease custody and require the prisoner to serve the remainder of the prisoner's term of incarceration, or any portion thereof, in prison, or impose additional conditions on the prisoner's prerelease custody as the Director of the Bureau of Prisons deems appropriate. If the violation is non-technical in nature, the Director of the Bureau of Prisons shall revoke the prisoner's prerelease custody.

''(7) CREDIT FOR PRERELEASE CUSTODY.—Upon completion of a prisoner's sentence, any term of supervised release imposed on the prisoner shall be reduced by the amount of time the prisoner served in prerelease custody pursuant to paragraph (2).

''(8) AGREEMENTS WITH UNITED STATES PROBATION AND PRETRIAL SERVICES.—The Director of the Bureau of Prisons shall, to the greatest extent practicable, enter into agreements with the United States Probation and Pretrial Services to supervise prisoners placed in home confinement or community supervision under this subsection. Such agreements shall authorize United States Probation and Pretrial Services to exercise the authority granted to the Director of the Bureau of Prisons pursuant to paragraphs (4), (5), and (12). Such agreements shall take into account the resource requirements of United States Probation and Pretrial Services as a result of the transfer of Bureau of Prisons inmates to prerelease custody and shall provide for the transfer of monetary sums necessary to comply with such requirements. United States Probation and Pretrial Services shall, to the greatest extent practicable, offer assistance to any prisoner not under its supervision during prerelease custody under this subsection.''; and

(5) by inserting at the end the following:

''(12) DETERMINATION OF APPROPRIATE CONDITIONS FOR PRERELEASE CUSTODY.—In determining appropriate conditions for prerelease custody pursuant to this subsection, and in accordance with paragraph (5), the Director of the Bureau of Prisons shall, to the extent practicable, subject prisoners who demonstrate continued compliance with the requirements of such prerelease custody to increasingly less restrictive conditions, so as to most effectively prepare such prisoners for reentry. No prisoner shall be transferred to community supervision unless the length of the prisoner's eligibility for community supervision pursuant to paragraph (5) is equivalent to or greater than the length of the prisoner's remaining period of prerelease custody.

''(13) ALIENS SUBJECT TO DEPORTATION.—If the prisoner is an alien whose deportation was ordered as a condition of supervised release or who is subject to a detainer filed by Immigration and Customs Enforcement for the purposes of determining the alien's deportability, the Director of the Bureau of

Prisons shall, upon the prisoner's transfer to prerelease custody pursuant to paragraphs (1) and (2), deliver the prisoner to United States Immigration and Customs Enforcement for the purpose of conducting proceedings relating to the alien's deportation.

''(14) NOTICE OF TRANSFER TO PRERELEASE CUSTODY.—

''(A) IN GENERAL.—The Director of the Bureau of Prisons may not transfer a prisoner to prerelease custody pursuant to paragraph (2) if the prisoner has been sentenced to a term of incarceration of more than 3 years, unless the Director of the Bureau of Prisons provides prior notice to the United States Attorney's Office for the district in which the prisoner was sentenced.

''(B) TIME REQUIREMENT.—The notice required under subparagraph (A) shall be provided not later than 6 months before the date on which the prisoner is to be transferred.

''(C) CONTENTS OF NOTICE.—The notice required under subparagraph (A) shall include the following information:

''(i) The amount of credit earned pursuant to paragraph (2).

''(ii) The anticipated date of the prisoner's transfer.

''(iii) The nature of the prisoner's planned prerelease custody.

''(iv) The prisoner's behavioral record.

''(v) The most recent risk assessment of the prisoner.

''(D) HEARING.—

''(i) IN GENERAL.—On motion of the Government, the court may conduct a hearing on the prisoner's transfer to prerelease custody.

''(ii) PRISONER'S PRESENCE.—The prisoner shall have the right to be present at a hearing described in clause (i), which right the prisoner may waive.

''(iii) MOTION.—A motion filed by the Government seeking a hearing—

''(I) shall set forth the basis for the Government's request that the prisoner's transfer be denied or modified pursuant to subparagraph (E); and

''(II) shall not require the Court to conduct a hearing described in clause (i).

''(E) DETERMINATION OF THE COURT.—The court may deny the transfer of the prisoner to prerelease custody or modify the terms of such transfer, if, after conducting a hearing pursuant to subparagraph (D), the court finds in writing, by a preponderance of the evidence, that the transfer of the prisoner is inconsistent with the factors specified in paragraphs (2), (6), and (7) of section 3553(a).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

SEC. 5. REPORTS.

(a) ANNUAL REPORTS.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General, in coordination with the Comptroller General of the United States, shall submit to the appropriate committees of Congress a report that contains the following:

(A) A summary of the activities and accomplishments of the Attorney General in carrying out this Act and the amendments made by this Act.

(B) An assessment of the status and use of the Post-Sentencing Risk and Needs Assessment System by the Bureau of Prisons, including the number of prisoners classified at each risk level under the Post-Sentencing Risk and Needs Assessment System at each facility of the Bureau of Prisons.

(C) A summary and assessment of the types and effectiveness of the recidivism reduction programs and productive activities in facilities operated by the Bureau of Prisons, including—

(i) evidence about which programs and activities have been shown to reduce recidivism;

(ii) the capacity of each program and activity at each facility, including the number of prisoners along with the risk level of each prisoner enrolled in each program and activity; and

(iii) identification of any problems or shortages in capacity of such programs and activities, and how these should be remedied.

(D) An assessment of budgetary savings resulting from this Act and the amendments made by this Act, to include—

(i) a summary of the amount of savings resulting from the transfer of prisoners into prerelease custody under this Act and the amendments made by this Act, including savings resulting from the avoidance or deferral of future construction, acquisition, or operations costs;

(ii) a summary of the amount of savings resulting from any decrease in recidivism that may be attributed to the implementation of the Post-Sentencing Risk and Needs Assessment System or the increase in recidivism reduction programs and productive activities required by this Act and the amendments made by this Act; and

(iii) a strategy to reinvest such savings into other Federal, State, and local law enforcement activities and expansions of recidivism reduction programs and productive activities in the Bureau of Prisons.

(2) REINVESTMENT OF SAVINGS TO FUND PUBLIC SAFETY PROGRAMMING.—

(A) IN GENERAL.—Beginning in the first fiscal year after the first report is submitted under paragraph (1), and every fiscal year thereafter, the Attorney General shall—

(i) determine the covered amount for the previous fiscal year in accordance with subparagraph (B); and

(ii) use an amount of funds appropriated to the Department of Justice that is not less than 90 percent of the covered amount for the purposes described in subparagraph (C).

(B) COVERED AMOUNT.—For purposes of this paragraph, the term ''covered amount'' means, using the most recent report submitted under paragraph (1), the amount equal to the sum of the amount described in paragraph (1)(D)(i) for the fiscal year and the amount described in paragraph (1)(D)(ii) for the fiscal year.

(C) USE OF FUNDS.—The funds described in subparagraph (A)(ii) shall be used, consistent with paragraph (1)(D)(iii), to—

(i) ensure that, not later than 6 years after the date of enactment of this Act, recidivism reduction programs or productive activities are available to all eligible prisoners;

(ii) ensure compliance with the resource needs of United States Probation and Pretrial Services resulting from an agreement under section 3624(c)(8) of title 18 United States Code, as added by this Act; and

(iii) supplement funding for programs that increase public safety by providing resources to State and local law enforcement officials.

(b) PRISON WORK PROGRAMS REPORT.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the status of prison work programs at facilities operated by the Bureau of Prisons, including—

(1) a strategy to expand the availability of such programs without reducing job opportunities for workers in the United States who are not in the custody of the Bureau of Prisons;

(2) an assessment of the feasibility of expanding such programs, consistent with the strategy required under paragraph (1), so that, not later than 5 years after the date of enactment of this Act, not less than 75 percent of eligible low-risk offenders have the opportunity to participate in a prison work program for not less than 20 hours per week; and

(3) a detailed discussion of legal authorities that would be useful or necessary to achieve the goals described in paragraphs (1) and (2).

(c) REPORTING ON RECIDIVISM RATES.—

(1) IN GENERAL.—Beginning 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall report to the appropriate committees of Congress on rates of recidivism among individuals who have been released from Federal prison and who are under judicial supervision.

(2) CONTENTS.—The report required under paragraph (1) shall contain information on rates of recidivism among former Federal prisoners, including information on rates of recidivism among former Federal prisoners based on the following criteria:

(A) Primary offense charged.

(B) Length of sentence imposed and served.

(C) Bureau of Prisons facility or facilities in which the prisoner's sentence was served.

(D) Recidivism reduction programming that the prisoner successfully completed, if any.

(E) The prisoner's assessed risk of recidivism.

(3) ASSISTANCE.—The Administrative Office of the United States Courts shall provide to the Attorney General any information in its possession that is necessary for the completion of the report required under paragraph (1).

(d) REPORTING ON EXCLUDED PRISONERS.—Not later than 8 years after the date of enactment of this Act, the Attorney General shall submit to the appropriate committees of Congress a report on the effectiveness of recidivism reduction programs and productive activities offered to prisoners described in section 3621(h)(6)(A)(iii) of title 18, United States Code, as added by this Act, as well as those ineligible for credit toward prerelease custody under section 3624(c)(2) of title 18, United States Code, as added by this Act, which shall review the effectiveness of different categories of incentives in reducing recidivism.

(e) DEFINITION.—The term ''appropriate committees of Congress'' means—

(1) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the Senate; and

(2) the Committee on the Judiciary and the Subcommittee on Commerce, Justice, Science, and Related Agencies of the Committee on Appropriations of the House of Representatives.

SEC. 6. PROMOTING SUCCESSFUL REENTRY.

(a) FEDERAL PRISONER REENTRY INITIATIVE.—Section 231(g) of the Second Chance Act of 2007 (42 U.S.C. 17541(g)) is amended—

(1) in paragraph (3), by striking ''and shall be carried out during fiscal years 2009 and 2010''; and

(2) in paragraph (5)(A)—

(A) in clause (i), by striking ''65 years'' and inserting ''60 years''; and

(B) in clause (ii)—

(i) by striking ''the greater of 10 years or''; and

(ii) by striking ''75 percent'' and inserting ''2/3''.

(b) FEDERAL REENTRY DEMONSTRATION PROJECTS.—

(1) EVALUATION OF EXISTING BEST PRACTICES FOR REENTRY.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall—

(A) evaluate best practices used for the reentry into society of individuals released from the custody of the Bureau of Prisons, including—

(i) conducting examinations of reentry practices in State and local justice systems; and

(ii) consulting with Federal, State, and local prosecutors, Federal, State, and local public defenders, nonprofit organizations that provide reentry services, and criminal justice experts; and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that details the evaluation conducted under subparagraph (A).

(2) CREATION OF REENTRY DEMONSTRATION PROJECTS.—Not later than 3 years after the date of enactment of this Act, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall, subject to the availability of appropriations, select an appropriate number of Federal judicial districts to conduct Federal reentry demonstration projects using the best practices identified in the evaluation conducted under paragraph (1). The Attorney General shall determine the appropriate number of Federal judicial districts to conduct demonstration projects under this paragraph.

(3) PROJECT DESIGN.—For each Federal judicial district selected under paragraph (2), the United States Attorney, in consultation with the Chief Judge, Chief Federal Defender, the Chief Probation Officer, the Bureau of Justice Assistance, the National Institute of Justice, and criminal justice experts shall design a Federal reentry demonstration project for the Federal judicial district in accordance with paragraph (4).

(4) PROJECT ELEMENTS.—A project designed under paragraph (3) shall coordinate efforts by Federal agencies to assist participating prisoners in preparing for and adjusting to reentry into the community and may include, as appropriate—

(A) the use of community correctional facilities and home confinement, as determined to be appropriate by the Bureau of Prisons;

(B) a reentry review team for each prisoner to develop a reentry plan specific to the needs of the prisoner, and to meet with the prisoner following transfer to monitor the reentry plan;

(C) steps to assist the prisoner in obtaining health care, housing, and employment, before the prisoner's release from a community correctional facility or home confinement;

(D) regular drug testing for participants with a history of substance abuse;

(E) substance abuse treatment, which may include addiction treatment medication, if appropriate, medical treatment, including mental health treatment, occupational, vocational and educational training, life skills instruction, recovery support, conflict resolution training, and other programming to promote effective reintegration into the community;

(F) the participation of volunteers to serve as advisors and mentors to prisoners being released into the community;

(G) steps to ensure that the prisoner makes satisfactory progress toward satisfying any obligations to victims of the prisoner's offense, including any obligation to pay restitution; and

(H) the appointment of a reentry coordinator in the United States Attorney's Office.

(5) REVIEW OF PROJECT OUTCOMES.—Not later than 5 years after the date of enactment of this Act, the Administrative Office of the United States Courts, in consultation with the Attorney General, shall—

(A) evaluate the results from each Federal judicial district selected under paragraph (2), including the extent to which participating prisoners released from the custody of the Bureau of Prisons were successfully reintegrated into their communities, including whether the participating prisoners maintained employment, and refrained from committing further offenses; and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that contains—

(i) the evaluation of the best practices identified in the report required under paragraph (1); and

(ii) the results of the demonstration projects required under paragraph (2).

(c) STUDY ON THE IMPACT OF REENTRY ON CERTAIN COMMUNITIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in consultation with the Administrative Office of the United States Courts, shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the impact of reentry of prisoners on communities in which a disproportionate number of individuals reside upon release from incarceration.

(2) CONTENTS.—The report required under paragraph (1) shall analyze the impact of reentry of individuals released from both State and Federal correctional systems as well as State and Federal juvenile justice systems, and shall include—

(A) an assessment of the reentry burdens borne by local communities;

(B) a review of the resources available in such communities to support successful reentry, including resources provided by State, local, and Federal governments, the extent to which those resources are used effectively; and

(C) recommendations to strengthen the resources in such communities available to support successful reentry and to lessen the burden placed on such communities by the need to support reentry.

(d) FACILITATING REENTRY ASSISTANCE TO VETERANS.—

(1) IN GENERAL.—Not later than 2 months after the date of the commencement of a prisoner's sentence pursuant to section 3585(a) of title 18, United States Code, the Director of the Bureau of Prisons shall notify the Secretary of Veterans Affairs if the prisoner's presentence report, prepared pursuant to section 3552 of title 18, United States Code, indicates that the prisoner has previously served in the Armed Forces of the United States or if the prisoner has so notified the Bureau of Prisons.

(2) POST-COMMENCEMENT NOTICE.—If the prisoner informs the Bureau of Prisons of the prisoner's prior service in the Armed Forces of the United States after the commencement of the prisoner's sentence, the Director of the Bureau of Prisons shall notify the Secretary of Veterans Affairs not later than 2 months after the date on which the prisoner provides such notice.

(3) CONTENTS OF NOTICE.—The notice provided by the Director of the Bureau of Prisons to the Secretary of Veterans Affairs under this subsection shall include the identity of the prisoner, the facility in which the prisoner is located, the prisoner's offense of conviction, and the length of the prisoner's sentence.

(4) ACCESS TO VA.—The Bureau of Prisons shall provide the Department of Veterans Affairs with reasonable access to any prisoner who has previously served in the Armed Forces of the United States for purposes of facilitating that prisoner's reentry.

SEC. 7. ADDITIONAL TOOLS TO PROMOTE RECOVERY AND PREVENT DRUG AND ALCOHOL ABUSE AND DEPENDENCE. —

(a) REENTRY AND RECOVERY PLANNING.—

(1) PRESENTENCE REPORTS.—Section 3552 of title 18, United States Code, is amended—

(A) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(B) by inserting after subsection (a) the following:

''(b) REENTRY AND RECOVERY PLANNING.—

''(1) IN GENERAL.—In addition to the information required by rule 32(d) of the Federal Rules of Criminal Procedure, the report submitted pursuant to subsection (a) shall contain the following information, unless such information is required to be excluded pursuant to rule 32(d)(3) of the Federal Rules of Criminal Procedure or except as provided in paragraph (2):

''(A) Information about the defendant's history of substance abuse and addiction, if applicable.

''(B) Information about the defendant's service in the Armed Forces of the United States and veteran status, if applicable.

''(C) A detailed plan, which shall include the identification of programming provided by the Bureau of Prisons that is appropriate for the defendant's needs, that the probation officer determines will—

''(i) reduce the likelihood the defendant will abuse drugs or alcohol if the defendant has a history of substance abuse;

''(ii) reduce the defendant's likelihood of recidivism by addressing the defendant's specific recidivism risk factors; and

''(iii) assist the defendant preparing for reentry into the community.

''(2) EXCEPTIONS.—The information described in paragraph (1)(C)(iii) shall not be required to be included under paragraph (1), in the discretion of the Probation Officer, if the applicable sentencing range under the sentencing guidelines, as determined by the probation officer, includes a sentence of life imprisonment or a sentence of probation.'';

(C) in subsection (c), as redesignated, in the first sentence, by striking ''subsection (a) or (c)'' and inserting ''subsection (a) or (d)''; and

(D) in subsection (d), as redesignated, by striking ''subsection (a) or (b)'' and inserting ''subsection (a) or (c)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 3672 of title 18, United States Code, is amended in the eighth undesignated paragraph by striking ''subsection (b) or (c)'' and inserting ''subsection (c) or (d)''.

(b) PROMOTING FULL UTILIZATION OF RESIDENTIAL DRUG TREATMENT.—Section 3621(e)(2) of title 18, United States Code, is amended by adding at the end the following:

''(C) COMMENCEMENT OF TREATMENT.—Not later than 3 years after the date of enactment of this subparagraph, the Director of the Bureau of Prisons shall ensure that each eligible prisoner has an opportunity to commence participation in treatment under this subsection by such date as is necessary to ensure that the prisoner completes such treatment not later than 1 year before the date on which the prisoner would otherwise be released from custody prior to the application of any reduction in sentence pursuant to this paragraph.

''(D) OTHER CREDITS.—The Director of the Bureau of Prisons may, in the Director's discretion, reduce the credit awarded under subsection (h)(6)(A) to a prisoner who receives a reduction under subparagraph (B), but such reduction may not exceed one-half the amount of the reduction awarded to the prisoner under subparagraph (B).''.

(c) SUPERVISED RELEASE PILOT PROGRAM TO REDUCE RECIDIVISM AND IMPROVE RECOVERY FROM ALCOHOL AND DRUG ABUSE.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Administrative Office of the United States Courts shall establish a recidivism reduction and recovery enhancement pilot program, premised on high-intensity supervision and the use of swift, predictable, and graduated sanctions for noncompliance with program rules, in Federal judicial districts selected by the Administrative Office of the United States Courts in consultation with the Attorney General.

(2) REQUIREMENTS OF PROGRAM.—Participation in the pilot program required under paragraph (1) shall be subject to the following requirements:

(A) Upon entry into the pilot program, the court shall notify program participants of the rules of the program and consequences for violating such rules, including the penalties to be imposed as a result of such violations pursuant to subparagraph (E).

(B) Probation officers shall conduct regular drug testing of all pilot program participants with a history of substance abuse.

(C) In the event that a probation officer determines that a participant has violated a term of supervised release, the officer shall notify the court within 24 hours of such determination, absent good cause.

(D) As soon as is practicable, and in no case more than 1 week after the violation was reported by the probation officer, absent good cause, the court shall conduct a hearing on the alleged violation.

(E) If the court determines that a program participant has violated a term of supervised release, it shall impose an appropriate sanction, which may include the following, if appropriate:

(i) Modification of the terms of such participant's supervised release, which may include imposition of a period of home confinement.

(ii) Referral to appropriate substance abuse treatment.

(iii) Revocation of the defendant's supervised release and the imposition of a sentence of incarceration that is no longer than necessary to punish the participant for such violation and deter the participant from committing future violations.

(iv) For participants who habitually fail to abide by program rules or pose a threat to public safety, termination from the program.

(3) STATUS OF PARTICIPANT IF INCARCERATED.—

(A) IN GENERAL.—In the event that a program participant is sentenced to incarceration as described in paragraph (2)(E)(iii), the participant shall remain in the program upon release from incarceration unless terminated from the program in accordance with paragraph (2)(E)(iv).

(B) POLICIES FOR MAINTAINING EMPLOYMENT.—The Bureau of Prisons, in consultation with the Chief Probation Officers of the Federal judicial districts selected for participation in the pilot program required under paragraph (1), shall develop policies to enable program participants sentenced to terms of incarceration as described in paragraph (2)(E) to, where practicable, serve the terms of incarceration while maintaining employment, including allowing the terms of incarceration to be served on weekends.

(4) ADVISORY SENTENCING POLICIES.—

(A) IN GENERAL.—The United States Sentencing Commission, in consultation with the Chief Probation Officers, the United States Attorneys, Federal Defenders, and Chief Judges of the districts selected for participation in the pilot program required under paragraph (1), shall establish advisory sentencing policies to be used by the district courts in imposing sentences of incarceration in accordance with paragraph (2)(E).

(B) REQUIREMENT.—The advisory sentencing policies established under subparagraph (A) shall be consistent with the stated goal of the pilot program to impose predictable and graduated sentences that are no longer than necessary for violations of program rules.

(5) DURATION OF PROGRAM.—The pilot program required under paragraph (1) shall continue for not less than 5 years and may be extended for not more than 5 years by the Administrative Office of the United States Courts.

(6) ASSESSMENT OF PROGRAM OUTCOMES AND REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 6 years after the date of enactment of this Act, the Administrative Office of the United States Courts shall conduct an evaluation of the pilot program and submit to Congress a report on the results of the evaluation.

(B) CONTENTS.—The report required under subparagraph (A) shall include—

(i) the rates of substance abuse among program participants;

(ii) the rates of violations of the terms of supervised release by program participants, and sanctions imposed;

(iii) information about employment of program participants;

(iv) a comparison of outcomes among program participants with outcomes among similarly situated individuals under the supervision of United States Probation and Pretrial Services not participating in the program; and

(v) an assessment of the effectiveness of each of the relevant features of the program.

SEC. 8. ERIC WILLIAMS CORRECTIONAL OFFICER PROTECTION ACT.

(a) IN GENERAL.—Chapter 303 of title 18, United States Code, is amended by adding at the end the following:

"§ 4049. Officers and employees of the bureau of prisons authorized to carry oleoresin capsicum spray

''(a) IN GENERAL.—The Director of the Bureau of Prisons shall issue, on a routine basis, oleoresin capsicum spray to—

''(1) any officer or employee of the Bureau of Prisons who—

''(A) is employed in a prison that is not a minimum or low security prison; and

''(B) may respond to an emergency situation in such a prison; and

''(2) to such additional officers and employees of prisons as the Director determines appropriate, in accordance with this section.

''(b) TRAINING REQUIREMENT.—

''(1) IN GENERAL.—In order for an officer or employee of the Bureau of Prisons, including a correctional officer, to be eligible to receive and carry oleoresin capsicum spray pursuant to this section, the officer or employee shall complete a training course before being issued such spray, and annually thereafter, on the use of oleoresin capsicum spray.

''(2) TRANSFERABILITY OF TRAINING.—An officer or employee of the Bureau of Prisons who completes a training course pursuant to paragraph (1) and subsequently transfers to employment at a different prison, shall not be required to complete an additional training course solely due such transfer.

''(3) TRAINING CONDUCTED DURING REGULAR EMPLOYMENT.—An officer or employee of the Bureau of Prisons who completes a training course required under paragraph (1) shall do so during the course of that officer or employee's regular employment, and shall be compensated at the same rate that the officer or employee would be compensated for conducting the officer or employee's regular duties.

''(c) USE OF OLEORESIN CAPSICUM SPRAY.—Officers and employees of the Bureau of Prisons issued oleoresin capsicum spray pursuant to subsection (a) may use such spray to reduce acts of violence—

''(1) committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons; and

''(2) committed by prison visitors against themselves, prisoners, other visitors, and officers and employees of the Bureau of Prisons.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 303 of part III of title 18, United States Code, is amended by inserting after the item relating to section 4048 the following:

''4049. Officers and employees of the bureau of prisons authorized to carry oleoresin capsicum spray.''.

(c) GAO REPORT.—Not later than the date that is 3 years after the date on which the Director of the Bureau of Prisons begins to issue oleoresin capsicum spray to officers and employees of the Bureau of Prisons pursuant to section 4049 of title 18, United States Code (as added by this Act), the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An evaluation of the effectiveness of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are not minimum or low security prisons on—

(A) reducing crime in such prisons; and

(B) reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons.

(2) An evaluation of the advisability of issuing oleoresin capsicum spray to officers and employees of the Bureau of Prisons in prisons that are minimum or low security prisons, including—

(A) the effectiveness that issuing such spray in such prisons would have on reducing acts of violence committed by prisoners against themselves, other prisoners, prison visitors, and officers and employees of the Bureau of Prisons in such prisons; and

(B) the cost of issuing such spray in such prisons. Recommendations to improve the safety of officers and employees of the Bureau of Prisons in prisons.

By Mrs. MURRAY (for herself, Mrs. GILLIBRAND, Mr. TESTER, Ms. BALDWIN, Mr. SANDERS, and Mr. BENNET):

S. 469. A bill to improve the reproductive assistance provided by the Department of Defense and the Department of Veterans Affairs to severely wounded, ill, or injured members of the Armed Forces, veterans, and their spouses or partners, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. MURRAY. Mr. President, I wish to take a few minutes to discuss a piece of legislation I am introducing today—legislation I have written to improve access to health care for our Nation's veterans, because there is no more solemn promise we make as a nation than our commitment to care for the men and women who serve in the U.S. military. These men and women put life and limb on the line to protect our country, to protect our freedoms, and to protect our way of life. In return, we as a country make a promise to care for them, no matter what. Just

as important, we make a promise to care for their families—their wives, their husbands, and their children.

Many of the young men and women who serve in the military enter at a very young age, often before they have children of their own. Like so many other Americans, they have big plans for their lives after their service. Many of them plan to buy a house, go back to school, and eventually have a family.

But in a time when our military conflicts involve roadside bombs, makeshift explosives, and life-threatening danger around every corner, many of our service men and women are coming home with injuries that leave them unable to start their own family.

In fact, military data shows that over the last decade, thousands of servicemembers have suffered injuries that make it nearly impossible to have children. We should be doing everything we can, with the best science and health services available, to help our veterans and their loved ones have children, despite their injuries.

But instead, outdated policies at the Pentagon and the VA are making it harder, not easier, for seriously injured veterans to have children. That is because when severely injured service men and women and veterans seek reproductive health services, such as in vitro fertilization, their military and VA health insurance simply doesn't cover this often very expensive procedure. As a result, the only option for these heroes and their partners to have children is to pay out of their own pocket, often tens of thousands of dollars, to try and conceive.

So today I am introducing The Women Veterans and Families Health Services Act of 2015.

It would basically do two things: First, it would expand the reproductive health services available for Active-Duty servicemembers and their families.

Second, it would finally end the ban on in vitro fertilization services at the VA. I have introduced similar legislation in the past, and, as I have done before, I am going to share the story of SSG Matt Keil and his wife Tracy.

Staff Sergeant Keil was shot in the neck while on patrol in Ramadi, Iraq, on February 24, 2007, just 6 weeks after he married the love of his life, Tracy. The bullet went through the right side of his neck, hit a major artery, went through his spinal cord, and exited through his left shoulder blade. He instantly became a quadriplegic. Doctors informed Tracy her husband would be on a ventilator for the rest of his life, and would never move his arms or legs.

Staff Sergeant Keil eventually defied the odds and found himself off the ventilator and beginning a very long journey of physical rehabilitation.

Around that same time, Tracy and her husband started exploring the possibilities of starting a family together. Having children was all they could talk about, once they adjusted to their ''new normal.''

With Staff Sergeant Keil's injuries preventing him from having children naturally, Tracy turned to the VA for assistance and began to explore her options for fertility treatments. Feeling defeated after being told the VA had no such programs in place for her situation, Tracy and Staff Sergeant Keil decided to pursue IVF through the private sector.

While they were anxious to begin this chapter of their lives, they were confronted with the reality that TRICARE did not cover any of the costs related to Tracy's treatments, because she did not have fertility issues beyond her husband's injury.

Left with no further options, the Keils decided this was important enough to them that they were willing to pay out of pocket to the tune of almost $32,000 per round of treatment. Thankfully, on November 9, 2010, just after their first round of IVF, Staff Sergeant Keil and Tracy welcomed their twins Matthew and Faith into the world.

Tracy told me:

The day we had our children something changed in both of us. This is exactly what we had always wanted, our dreams had arrived.

The VA, Congress and the American People have said countless times that they want to do everything they can to support my husband or make him feel whole again and this is your chance.

Having a family is exactly what we needed to feel whole again. Please help us make these changes so that other families can share in this experience.

Tracy does not want to see other servicemembers and their families go through the struggle she and Matt did because of outdated policies that don't reflect modern medicine.

While the Keils' story may be unique, they are not alone. Thousands of servicemembers and veterans have returned from their service hoping to have children, only to find that, despite their sacrifices for our country, they are unable to obtain the kind of assistance they need. Some have spent tens of thousands of dollars in the private sector, like Tracy and her husband did, to get the advanced reproductive treatments they need to start a family. Others have, sadly, watched their marriages dissolve because of the stress of infertility, in combination with the stress of readjusting to a new life after a severe injury, driving their relationship to a breaking point.

Any servicemember who sustains this type of serious injury deserves so much more. They deserve our support to help them start a family, and our support to raise that family.

This bill is so important because access to childcare is one of the most significant barriers to care for women veterans and younger veterans. This bill makes permanent the highly successful pilot program in VA and expands it across the country. I am very hopeful today that both Republicans and Democrats can come together to support this bill.

Just a few years ago we were able to pass similar legislation through the Senate, but, unfortunately, it didn't pass the House in time to get the President's signature and become signed into law. This time has to be different, because this bill is about nothing more than giving veterans who have sacrificed so much the option to fulfill the dream of starting a family. It is a bill that shows when we tell our servicemembers deploying to a war zone that we have their back, we mean it. It is a bill that recognizes the men and women who are harmed in the service of this country have bright, full lives ahead of them.

AMENDMENTS SUBMITTED AND PROPOSED

SA 250. Mr. HATCH proposed an amendment to the bill S. 295, to amend section 2259 of title 18, United States Code, and for other purposes.

TEXT OF AMENDMENTS

SA 250. Mr. HATCH proposed an amendment to the bill S. 295, to amend section 2259 of title 18, United States Code, and for other purposes; as follows:

On page 4, beginning on line 22, strike ''sexual conduct (as those terms are defined in section 2246)'' and insert ''sexual contact (as those terms are defined in section 2246) or sexually explicit conduct (as that term is defined in section 2256)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 11, 2015, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on February 11, 2015, at 9:45 a.m., in room SR–253 of the Russell Senate Office Building to conduct a hearing entitled, ''The Connected World: Examining the Internet of Things.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on February 11, 2015, at 9:30 a.m., in room SD–406 of the Dirksen Senate Office Building, to conduct a hearing entitled, ''Oversight Hearing: Examining EPA's proposed carbon dioxide emissions rules from

new, modified, and existing power plants.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on February 11, 2015, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on February 11, 2015, at 2:15 p.m., to conduct a hearing entitled ''Ending Modern Slavery: The Role of U.S. Leadership.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on February 11, 2015, at 9:30 a.m., in room SD–430 of the Dirksen Senate Office Building to conduct a hearing entitled ''Ambushed: How the NLRB's New Election Rule Harms Employers & Employees.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on February 11, 2015, at 10 a.m. to conduct a hearing entitled ''Risky Business: Examining GAO's 2015 List of High Risk Government Programs.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on February 11, 2015, at 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on February 11, 2015, at 2:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. CORNYN. Mr. President, I ask unanimous consent that following morning business on Thursday, February 12, the Senate proceed to executive session to consider Executive Calendar No. 12, the nomination of Ashton Carter to be Secretary of Defense. I further ask that the time until 2 p.m. be equally divided between the two leaders or their designees, and that at 2 p.m. the Senate vote on confirmation. I ask that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

THE PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to the provisions of Public Law 99–93, as amended by Public Law 99–151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control: the Honorable DIANNE FEINSTEIN of California, the Honorable CHARLES E. SCHUMER of New York, and the Honorable SHELDON WHITEHOUSE of Rhode Island.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 96–388, as amended by Public Law 97–84, and Public Law 106–292, reappoints the following Senators to the United States Holocaust Memorial Council: the Honorable BERNARD SANDERS of Vermont and the Honorable AL FRANKEN of Minnesota.

The Chair announces, on behalf of the Democratic leader, pursuant to Public Law 105–83, the reappointment of the following individual to serve as a member of the National Council on the Arts: the Honorable TAMMY BALDWIN of Wisconsin.

The Chair, on behalf of the Vice President, pursuant to Public Law 94–304, as amended by Public Law 99–7, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the 114th Congress: the Honorable BENJAMIN L. CARDIN of Maryland, the Honorable SHELDON WHITEHOUSE of Rhode Island, the Honorable TOM UDALL of New Mexico, and the Honorable JEANNE SHAHEEN of New Hampshire.

The Chair, on behalf of the President of the Senate, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Honorable DIANNE FEINSTEIN of California, the Honorable SHERROD BROWN of Ohio, the Honorable JEFF MERKLEY of Oregon, and the Honorable GARY C. PETERS of Michigan.

The Chair, pursuant to Executive Order 12131, as amended and extended, appoints the following Senators to the President's Export Council: the Honorable AMY KLOBUCHAR of Minnesota and the Honorable KIRSTEN E. GILLIBRAND of New York.

The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, reappoints the following Senator to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: the Honorable MARK WARNER of Virginia.

ORDERS FOR THURSDAY, FEBRUARY 12, 2015

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, February 12; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; following leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the Democrats controlling the first half and the majority controlling the final half; following morning business, the Senate proceed to executive session to consider the Carter nomination under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CORNYN. For the information of all Senators, the vote will occur at 2 p.m. tomorrow on the Carter nomination.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. CORNYN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:10 p.m., adjourned until Thursday, February 12, 2015, at 9:30 a.m.